#1528316307 ID: 88081682

HD 216 .C573 nos. 1653-1699

Circular No. 1653

Obsolete - Revised by Circ. 1840

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT

PART 192 - OIL AND GAS LEASES

The following section is added to Part 192:

192.40(a) Dating of competitive and noncompetitive oil and gas leases. All competitive and noncompetitive oil and gas leases will be dated as of the first of the month following the date the leases are signed on behalf of the lessor except that where prior written request is made a lease may be dated the first of the month within which it is so signed. . (Sec. 32, 41 Stat. 450; 30 U.S.C. 189).

(Sgd) Fred W. Johnson,
Director.

Approved: August 21, 1947

(Sgd) C. Girard Davidson,
Assistant Secretary of the Interior.

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Circular No. 1654

Obsolete - See Circ 1849

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT

PART 284 - TIMBER CUTTING, SALE OR USE

SALE OF DEAD, DOWN, OR DAMAGED TIMBER

Section 284.1 is amended by deleting therefrom the second paragraph added on June 4, 1942 (7 F. R. 4496), concerning the act of September 20, 1922 (42 Stat. 857,16 U.S.C. 594), and the center head for sections 284.1 to 284.22, inclusive, is amended to read: "Sale of Dead, Down or Damaged Timber." (Sec. 1, 37 Stat. 1015 and sec. 1, 44 Stat. 890; 16 U.S.C. 614; R. S. 453, 2478; 43 U.S.C. 2, 1201)

(Sgd) Fred W. Johnson
Director

Approved: Sept. 4, 1947

(Sgd) C. Girard Davidson

Assistant Secretary of the Interior.

26213

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Circular No. 1655

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR

PART 191 - GENERAL REGULATIONS APPLICABLE TO PERMITS, LEASES AND LICENSES (Parts 191-198, inclusive).

Part 191 is amended by adding thereto a new section as follows:

191.15 Reinstatement of rejected applications for lands restored from withdrawal or use for War purposes. Hereafter, upon publication of a revocation of a withdrawal or of a use permit made or granted in connection with the prosecution of World War II, a mineral permit or lease applicant whose application was rejected solely because of the subsequent withdrawal of the land for use in connection with the prosecution of the war or because, either before or after the application was filed, a permit was granted to use the land for war purposes, may apply for and obtain a reinstatement of his application. If the application for reinstatement is for lands restored from a withdrawal it must be filed prior to the date fixed for the filing of applications by the general public; if for land affected by the revocation of permits, within 60 days from the date of publication of such revocation. No application for reinstatement will be considered unless it is timely filed and accompanied by the proper filing fee and the full amount of the first year's rental.

(Sgd) Fred W. Johnson,
Director.

Approved: September 5, 1947

(Sgd) Oscar L. Chapman,
Acting Secretary of the Interior.

Circular No. 1656

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT

PART 141 - COLOR OF TITLE AND RIPARIAN CLAIMS APPLICABLE TO PARTICULAR STATES

COLOR OF TITLE CLAIMS FOR PUBLIC LANDS SITUATED IN OKLAHOMA BETWEEN THE CIMARRON BASE LINE AND THE NORTH BOUNDARY OF THE STATE OF TEXAS

Sec.

141.34 Statutory authority.

141.35 Filing of application.

141.36 Contents of application.

141.37 Purchase price.

141.38 Publication and posting.

141.39 Protests.

141.40 Final certificate and patent.

AUTHORITY: Secs. 141.34 to 141.40, inclusive, issued under Act of August 7, 1946 (60 Stat. 872).

COLOR OF TITLE CLAIMS FOR PUBLIC LANDS SITUATED IN OKLAHOMA BETWEEN THE CIMARRON BASE LINE AND THE NORTH BOUNDARY OF THE STATE OF TEXAS

Section 141.34 Statutory authority. Section 1 of the Act of August 7, 1946 (60 Stat. 872), provides that, where public lands situated south of the Cimarron base line in the State of Oklahoma and north of the north line of the State of Texas have been used, improved or cultivated in connection with abutting land, and have been held in good faith, in peaceful, open, adverse possession by a citizen, or citizens, of the United States or their ancestors, or grantors, for a period of not less than twenty years prior to the passage of the Act, such citizen, or citizens, shall be entitled to receive a patent therefor upon payment of $1.25 per acre. The oil, gas, and other mineral deposits in the land are reserved to the United States.1/

1/ The reserved minerals may be sold or disposed of by the United States under applicable laws, and permittees, lessees, grantees, or agents of the United States have the right to enter on the lands for the purpose of prospecting for and mining the minerals.

141.35 Filing of application.2/ In order to obtain patent under the Act, applications must be filed in the Bureau of Land Management, Washington 25, D. C., within one year from November 14, 1947, the date of the official filing of the township plats of survey.3/

141.36 Contents of application. No specific form of application is required. The application need not be under oath but should be in typewritten form or in legible manuscript, and should contain or be accompanied by the following data:

(a) The applicant's full name and post office address and, if a woman, whether applicant is married or single.

(b) A statement that the applicant desires to purchase land under section 1 of the Act of August 7, 1946 (60 Stat. 872).

(c) A description of the land sought to be purchased by legal subdivision, section, township and range.

(d) A statement as to the applicant's citizenship. If applicant is an individual, he should state whether he is native born or naturalized, and if naturalized, the date of naturalization, the court in which naturalized, and the number of the certificate, if known. If applicant is a married woman, she should also state the date of her marriage and the citizenship of her husband. If applicant is a corporation, it must file a certified copy of its articles of incorporation, proof of the authority of the officer making the application, and a showing as to residence and citizenship of its stockholders. If any of the stock of the corporation is held by aliens, the name, the country to which each owes allegiance and the amount of stock held by each must also be given.

2/ Where any land included in the area described in sec. 141.34 is included in townsite plats recorded on the county records in Texas or Oklahoma, and the lots, blocks, streets, alleys and highways are shown on the township plats of survey referred to in sec. 141.35 according to such townsite plats, section 2 of the Act (1) relinquishes title to such town lots and confirms such title in those persons, their heirs, assigns, or successors, who would be the true and lawful owners if the lands had been owned in fee simple at the time of the recordation of the townsite plats, and (2) dedicates the streets, alleys, and public highways. It also reserves to the United States the oil, gas, or other mineral deposits in the land thus relinquished, confirmed, or dedicated and provides for their disposal as provided by section 1 of the Act. See footnote 1, supra. No action is necessary by the claimants under this section of the Act.

3/ The lands in the area covered by the act will not be subject to entry under the general public land laws until further notice.

(e) Proof that the land has been used, improved, or cultivated in connection with abutting land and has been held in good faith, in peaceful, open, and adverse possession by the applicant, his ancestors or grantors, for a period not less than 20 years prior to August 7, 1946. The abutting land must be sufficiently described to show its relation to the tract applied for as shown by the official plat of survey referred to in section 141.35.

If the applicant bases his claim upon matters of record, he must file, with his application, an abstract of title certified to by a competent abstracter, setting forth all conveyances and transactions of record affecting the land up to the date of filing his application. If use of the land is relied on as the basis of the claim, he must also file a statement showing the manner in which the land was used by him and his predecessors in interest during the 20 years prior to August 7, 1946. If improvements on the land are relied on to support the claim, he must file a statement showing the nature, value, and location of the improvements, and when and by whom they were made. If cultivation of the land is relied on to support the claim, he must file a statement setting forth the amount and portion of the land which was cultivated, the nature of the cultivation and the years in which cultivation was had. Such statements must be corroborated by two disinterested witnesses having knowledge of the facts, but need not be under oath.

If applicant's claim is not based upon matters of record, he must file with his application a statement setting forth:

(1) The names of all the intermediate possessors of the land during the 20 years prior to August 7, 1946.

(2) The manner in which each intermediate possessor acquired the land.

(3) The period of time each intermediate possessor held the land.

(4) The nature of the use, improvements, or cultivation of the land by each intermediate possessor.

(5) The date and the manner in which the applicant acquired possession of the land, and the nature of the use, improvement or cultivation of the land by him.

(6) Any other available facts tending to establish the applicant's peaceful, adverse possession of the land for the period required, and the manner in which the lands were used, improved, or cultivated.

Such statement must be corroborated by two disinterested witnesses having knowledge of the facts, but need not be under oath.

141.37 Purchase price. At the time of filing of the application, applicant must submit the purchase price of the land, computed at the rate of $1.25 per acre.

141.38 Publication and posting. If, upon consideration of the application, it is determined by the Bureau of Land Management that the applicant is entitled to purchase the tract applied for, notice for publication will be issued by the Bureau. Such notice shall be published at the expense of the applicant, once each week for a period of five consecutive weeks, in a newspaper to be designated by the Director of the Bureau of Land Management. The purpose of the notice will be to afford all persons claiming the land adversely to the applicant, a reasonable opportunity to file in the Bureau of Land Management their protests or objections to the purchase. A copy of the notice will be posted in a conspicuous place in the Bureau of Land Management during the entire period of publication. Upon completion of the publication of notice, evidence of publication must be furnished, consisting of an affidavit of the publisher and a copy of the notice published.

141.39 Protests. If any protest or objection is filed, it must be accompanied by evidence that a copy thereof has been served on the applicant.

141.40 Final Certificate and patent. Upon compliance with the terms of the statute and the regulations, and if no objection appears, a final certificate will be issued, followed by patent. The final certificate will bear upon its face a notation that the patent will issue subject to a reservation to the United States of all minerals in accordance with the Act of August 7, 1946 (60 Stat. 872). The patent, when issued, will contain the following provision:

> "Excepting and reserving to the United States pursuant to the Act of August 7, 1946 (60 Stat. 872), all oil, gas, or other mineral deposits contained therein, together with the right to sell or dispose of such minerals under applicable laws and the right of the permittees, lessees, grantees, or agents of the United States to enter upon said lands for the purpose of prospecting for and mining such minerals."

(Sgd) Fred W. Johnson,
Director.

Approved: September 12, 1947.

(Sgd) C. Girard Davidson,
Assistant Secretary of the Interior.

26039

Circular No. 1657

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

Date in effect 5/27/54 BO

also see Circ 1668, 1804 + 1821

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT

PART 200 - MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS OF WAY

OIL AND GAS LEASING IN LANDS UNDER RIGHTS OF WAY

Sec.
200.80 Lands in and under railroad and other rights of way.
200.81 Application for lease.
200.82 Owner of adjoining land allowed to submit bid.
200.83 Term of lease.
200.84 Royalties.
200.85 Form of lease.
200.86 Form of agreement to pay compensatory royalty.
200.87 Form of bond.

AUTHORITY: Secs. 200.80 to 200.87, inclusive, issued under Sec. 6, 46 Stat. 374; 30 U.S.C. 306.

OIL AND GAS LEASING IN LANDS UNDER RIGHTS OF WAY

200.80 Lands in and under railroad and other rights of way. The Act of May 21, 1930 (46 Stat. 373; 30 U.S.C. secs. 301-306) authorizes the Secretary of the Interior to lease deposits of oil and gas in and under railroad and other rights of way acquired under any law of the United States. The right of lease is restricted to the owner of the right of way, or his assignees.

200.81 Application for lease. No particular form of application for lease of land in a right of way will be required. Application for lease must be filed in the land office in the district in which the right of way is situated, or in the Bureau of Land Management, where there is no district land office, by the owner of the right of way or by his assignee and be accompanied by a filing fee of $10, and, if filed by an assignee, by a duly executed assignment of the right to lease.

The application should detail the facts as to the ownership of the right of way, and of the assignment if the application is filed by an assignee; the development of oil and gas in adjacent or nearby lands, the location and depth of the wells, the production, and the probability of drainage of the deposits in the right of way. Since rights of way are of record in the Bureau of Land Management, a description by metes and bounds is not necessary or required, but each legal subdivision through which the portion of the right of way desired to be leased extends should be described.

200.82 Owner of adjoining land allowed to submit bid. After the Director, Bureau of Land Management, has determined that a lease of a right of way or any portion thereof is consistent with the public interest, either upon consideration of an application for lease or on his own motion, the manager of the district land

office will be directed to serve notice on the owner or lessee of the adjoining lands, as provided in section 3 of the Act of May 21, 1930 (46 Stat. 374; 30 U.S.C. 303), allowing him 30 days or such other time as may be provided in the notice within which to submit an offer or bid of the amount or percentage of compensatory royalty such owner or lessee will agree to pay for the extraction through wells on his adjoining land of the oil and gas under and from such right of way. Notice to the owner of the right of way will be given at the same time allowing him opportunity within the same period to submit a bid or offer as to the amount or percentage of royalty he will pay if a lease is awarded to him.

Award of lease to the ownerof the right of way, or of a contract for the payment of compensatory royalty by the owner or lessee of the adjoining lands, will be made to the bidder whose offer is determined to be to the best advantage to the United States, considering the amount of royalty to be received and the better development of the oil and gas deposits in the right of way under the respective means of production and operation.

200.83 Term of lease and of compensatory royalty agreement. The term of the lease will be for a period of not more than twenty years, and the compensatory royalty agreement will be for the period necessary to reasonably extract all oil and gas from the right of way.

200.84 Royalties. The royalty to be charged will be fixed by the Director, Bureau of Land Management, after consideration of all the facts and circumstan in each case, but will not be less than 12 1/2 per cent.

200.85 Form of lease. The lease issued to the owner of the right of way or assignee of such owner will be substantially Form 4-213 modified to conform to the requirements of the law and these regulations.

200.86 Form of agreement to pay compensatory royalty. The agreement with the owner or lessee of the adjoining land to pay compensatory royalty for the extraction through wells on his adjoining land of the oil and gas in or under the right of way will be substantially Form 4-1086.

200.87 Form of bond. The bond required under section 2(a) of the lease and by the contractor under agreement to pay compensatory royalty, should be substantially Form 4-208g.

Cross Reference: For operating regulations see 30 C.F.R. 221.

(Sgd) Fred W. Johnson,
Director.

Approved: October 10, 1947

(Sgd) C. Girard Davidson,
Assistant Secretary of the Interior.

21384 Interior, Duplicating Section, Washington, D.C.

Circular No. 1658

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Obsolete - See Circ. 1785

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LAND: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 185--GENERAL MINING REGULATIONS

Section 185.54 is amended by adding thereto the following paragraph:

Every application for patent, based on a mining claim located after August 1, 1946, shall state whether the claimant has or has not had any direct or indirect part in the development of the atomic bomb project. The application must set forth in detail the exact nature of the claimant's participation in the project, and must also state whether as a result of such participation he acquired any confidential, official information as to the existence of deposits of uranium, thorium, or other fissionable source materials in the lands covered by his application. (R.S. 453, 2478; 43 U.S.C. 2, 1201).

Cross reference: For definition of fissionable source materials, see Atomic Energy Commission's regulation, 11 CFR 40.2 (12 F.R. 1855, March 20, 1947).

(Sgd) Fred W. Johnson
Director

Approved: October 13, 1947

(Sgd) C. Girard Davidson

Assistant Secretary of the Interior.

27156

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Obsolete

See Nos. 1760 and 1807

Circular No. 1659

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 -- PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT

PART 160 - GRAZING LEASES

This part is hereby completely revised to read as follows:

Sec.		Sec.	
160.1	Statutory authority.	160.12	Reduction in leased area.
160.2	Definitions.	160.13	Leased lands subject to classification and disposition; compensation to lessee for improvements and damages.
160.3	Classes of applicants; preference rights.		
160.4	Filing of applications; copies necessary	160.14	Rental.
160.5	Qualifications of applicants.	160.15	Term of lease.
160.6	No right conferred by application, prior to lease.	160.16	Construction and removal of improvements.
160.7	Filing fees.	160.17	Cancellation of lease.
160.8	Protests.	160.18	Inspection of leased premises.
160.9	Filing of petitions.	160.19	Assignment of lease; subleases of leased lands.
160.10	Leases of withdrawn or reserved lands.	160.20	Leases pledged as security for loans.
160.11	Offer and issuance of lease; disposition of protests and conflicting applications.	160.21	Appeals.

AUTHORITY: Secs. 160.1 to 160.21, inclusive, issued under section 15, 48 Stat. 1275, section 5, 49 Stat. 1978, 43 U.S.C. sec. 315m.

Section 160.1 Statutory authority. Section 15 of the Act of June 28, 1934 (48 Stat. 1275), as amended, authorizes the Secretary of the Interior, to lease for grazing purposes, vacant, unappropriated and unreserved public lands outside of established grazing districts in the continental United States.

160.2 Definitions.

(a) "Secretary" means Secretary of the Interior.

(b) "Director" means Director, Bureau of Land Management.

(c) "The Act" means section 15 of the Act of June 28, 1934 (48 Stat. 1275), as amended by section 5 of the Act of June 26, 1936 (49 Stat. 1978, 43 U.S.C. 315m).

160.3 Classes of applicants; preference rights. In general, the Act, as amended, provides for the issuance of grazing leases to three classes of applicants, as follows:

(a) Leases where no preference-right applicant is involved.

(b) Preference-right leases to applicants who are owners, homesteaders, lessees, or other lawful occupants of contiguous lands to the extent necessary to permit the proper use of such contiguous lands.

(c) Preference-right leases to applicants who are the owners, homesteaders, lessees, or other lawful occupants of lands contiguous to or cornering on an isolated or disconnected tract embrazing 760 acres or less,[1] for the whole of such tract, upon the terms and conditions prescribed by the Secretary, provided the preference right is asserted during a period of 90 days after such tract is offered for lease.[2]

160.4 Filing of applications; copies necessary. An application for lease should be submitted on Form 4-721 and filed in the district land office for the district in which the lands applied for are situated, except that in the states in which there are no district land offices, the application should be filed with

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1/ Where the lands applied for include the even-numbered sections within the limits of a railroad grant, even though in the aggregate such lands exceed 760 acres, each such section will be considered as an isolated or disconnected tract within the meaning of this provision.

2/ By Departmental Notice of July 31, 1937, all vacant, unreserved and unappropriated public lands, exclusive of Alaska, not included in an established grazing district, were then offered for lease under section 15; all lands not then subject to lease under section 15 because of their appropriation or reservation, were offered for lease as of the date any such lands first became subject to lease.

the Director. The application must be filed in triplicate, except where it embraces lands within the jurisdiction of more than one district land office, in which event it must be furnished in quadruplicate and may be filed in either office. The application need not be under oath but must be signed by the applicant.3/

160.5 Qualifications of applicants. Any person who is a citizen of the United States or who has declared his intention to become a citizen and whose declaration is still valid, or any group or association composed of such persons, or any corporation organized under the laws of the United States, or of any State or Territory thereof authorized to conduct business in the State in which the lands involved are situated, may file an application for a lease.

160.6 No right conferred by application prior to lease. The filing of an application will not segregate the land applied for from application by other persons for a grazing lease or from other disposition under the public-land laws. As the issuance of a lease is discretionary, the filing of an application for a lease will not in any way create any right in the applicant to a lease, or to the use of the lands applied for, pending the issuance of a lease. Any such unauthorized use constitutes a trespass.

160.7 Filing fees. Every applicant for a lease must pay to the Manager, at the time of filing an application, a fee of $5 if his lease application is for 1,000 acres or less, and an additional $5 for each additional 1,000 acres or fractional part thereof, which fee will be carried as unearned pending action on the application. If the application is rejected, the fee will be returned. If a lease, based on the application, is offered the applicant, and he refuses to accept the same, the fee will be retained as a service charge,

160.8 Protests. Protests against the approval of an application for a lease should be in duplicate, contain a complete disclosure of all facts upon which the protest is based, and describe the lands involved in such protest, and should be accompanied by evidence of service of a copy of the protest on the applicant. If the protestant desires to lease all or part of the land embraced in the application against which the protest is filed, the protest should also be accompanied by an application for a grazing lease.

160.9 Filing of petitions for renewals. A lessee who desires to renew a lease should file in triplicate approximately 90 days prior to the expiration of the lease a petition for renewal of the lease on Form 4-725. The petition may include a request for the consolidation of other outstanding grazing leases held by the lessee. No filing fee will be required in connection with a petition for renewal. The filing of a petition for renewal does not confer on the lessee any preference right to a renewal. The timely filing of a petition will, however, authorize the exclusive grazing use of the lands by the lessee in accordance with the terms of the prior lease pending final action on the petition.

3/ Title 18, U.S.C. sec. 80, makes it a crime for any person knowingly or willfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

160.10 Leases of withdrawn or reserved lands. Leases may be issued for public lands withdrawn for resurvey, or withdrawn and reserved in aid of legislation, or for power sites, classification or other public purposes,4/ if the use of the land for grazing is not inconsistent with the purposes of the withdrawal. Lands included in stock driveway and public water reserve withdrawals may be leased in accordance with the regulations, 43 CFR 295.7(c). Any lease issued covering withdrawn lands must contain the stipulations which have been prescribed by the Director of the Bureau of Land Management for the protection and use of the land for the purpose for which it was withdrawn or reserved.

160.11 Offer and issuance of lease; disposition of protests and conflicting applications. The Director, after consideration of the field report as to the area, term, and rental to be included in the proposed lease, shall forward it, in triplicate, on Form 4-722a, to the district land office for execution by the applicant. After execution, the applicant will return the proposed lease forms, together with the amount of rental due under section 160.14 to the district land office. If all is found to be regular, a lease will be issued by the Director after final action has been taken on any protests or conflicting applications which may have been filed.

Where it is determined that more than one applicant should receive a lease and a division of the lands is necessary, the conflicting applicants will be afforded an opportunity to agree to the division of such lands at the time of field investigation. If an acceptable adjustment cannot be made by the parties in interest, the matter will be determined by the Director in the light of all available information, including the field report.

After the proposed lease forms have been transmitted to an applicant, and if such lease is executed by him, any application filed subsequent to such transmittal will be rejected as to any lands included in that proposed lease.

160.12 Reduction in leased area. The leased area may be reduced if it is excessive for the number of stock owned by the lessee, or if it is determined that such area is required for the protection of camping places, sources of water supply to communities, stock driveways, roads and trails, town sites, mining claims, or for feeding grounds near villages for the use of draft animals or near the slaughtering or shipping points for use of stock to be marketed. In that event, a proportionate reduction will be made in the annual rental charges.

160.13 Leased lands subject to classification and disposition; compensation to lessee for improvements and damages. Lands embraced in a grazing lease are subject to classification and disposition under the provisions of section 7 of the Act of June 28, 1934 (48 Stat. 1272), as amended June 26, 1936 (49 Stat. 1976, 43 U.S.C. sec. 315f), provided that before any application for such classification and disposition is allowed, evidence is furnished that the applicant has agreed to compensate the lessee for any grazing improvements placed on the lands under the authority of the lease, and for any injury caused to the lessee's grazing

4/ Certain lands withdrawn for reclamation purposes are, pursuant to the cooperative agreement of February 26, 1945, between the Bureau of Reclamation and the Bureau of Land Management, leased in accordance with the principles of section 15 leases, under authority of subsection (I) of section 4, act of December 5, 1924 (43 Stat. 703, 43 U.S.C. sec. 501).

operations by reason of the loss of the leased lands from his leasehold. All such agreements, to be effective, must be approved by the Director. If the interested parties are unable to reach an agreement as to the amount of such compensation, the amount shall be fixed by the Director. The failure of the applicant to pay the lessee in accordance with the agreement shall be just cause for cancellation of any rights or interests in the lands acquired by the applicant by reason of the allowance of his application.

Where part of the lands embraced in a grazing lease are disposed of as provided by this section, the subsequent annual rental charges will be reduced proportionately to reflect the loss of the lands from the leasehold.

Any agency of the Federal Government which needs lands embraced in a grazing lease for a governmental use other than one described in section 160.12, and requests a permit, withdrawal, reservation, lease or patent, shall be considered an applicant within the meaning of this section.

160.14 Rental. Each lessee shall pay to the district land office specified in the lease, in accordance with the terms of the lease, such annual rental as may be determined to be a fair compensation for the grazing use of the leased land. In no lease, however, will the rental charge be fixed at less than $1 per annum. The rental may be adjusted at the end of the third year and at the end of each three-year period thereafter.

160.15 Term of lease. A lease may be issued for a period of not more than 10 years. Renewals may be for periods of not more than 10 years, upon such terms and conditions as may then be prescribed.

160.16 Construction and removal of improvements. After the issuance of a lease, the lessee may fence the lands or any part thereof, develop water by wells, tanks, water holes, or otherwise, and make or erect other improvements for grazing and stock-raising purposes so long as such improvements do not impair the value of the lands. The lessee will be required to comply with the provisions of the laws of the State in which the leased lands are located with respect to the cost and maintenance of partition fences.

Upon the expiration of a lease or its earlier termination, the Director may, in his discretion and upon a written petition filed by the lessee within 30 days from date of such expiration or termination, require a proposed subsequent lessee, prior to the execution of a new lease, to agree to compensate the lessee for any grazing improvements of a permanent nature that may have been placed upon the leased lands under authority of section 15 leases. The amount of such compensation shall be determined in accordance with the procedure set forth in section 160.13. The failure of the subsequent lessee to pay the lessee in accordance with such agreement shall be just cause for cancellation of the subsequent lessee's lease.

The lessee will be allowed three months from the date of expiration or termination of the lease within which to remove such improvements as are not disposed of in the manner set forth above; if not removed or otherwise disposed of within the said period, such improvements shall become the property of the United States.

160.17 Cancellation of lease. If the lessee shall fail to comply with any of the provisions of these regulations or of the lease, and such default shall continue for 60 days after service of written notice thereof, the lease may be

terminated and canceled by the Director.

160.18 Inspection of leased premises. The land described in the lease shall be subject to inspection at all reasonable times by duly authorized representatives of the Department of the Interior, and other Federal agents, as well as game wardens, shall be permitted access to the lands in connection with necessary Government business.

160.19 Assignment of lease; subleases of leased land. Proposed assignments of a lease, and proposed subleases of the leased lands, in whole or in part, must be filed in the district land office and may be approved by the Director. The assignments and subleases must contain all of the terms and conditions agreed upon by the parties thereto; must be accompanied by the same showing by the assignee or sublessee as is required of applicants for a lease; and must be supported by a showing that the assignee or sublessee agrees to be bound by the provisions of the lease. No assignment or sublease will be recognized unless and until approved.

160.20 Leases pledged as security for loans.

(a) A lease may be pledged as security for a loan of $500 or more from a lending agency when the loan is made for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may ascertain from the district land office the status of the grazing lease and other pertinent information concerning the lease.

(b) Upon request of the borrower-lessee, where such extension will be in accordance with applicable law and not contrary to the public interest, the lease will be extended for a period of ten years from the date of the loan subject to such terms and conditions as are then provided by these regulations.

(c) In case the property of the lessee which was the basis for the granting of a preference right, is acquired by the lending agency through foreclosure or otherwise, such agency or its tenants on the property, if qualified, or any person who purchases the property from such agency, if qualified, on application, shall be recognized in lieu of the lessee. If in making a sale the lending agency takes back a mortgage on the property, the agency shall be entitled to the same consideration as in the case of the original loan.

(d) Where a lending agency files notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any action taken affecting the lease.

160.21 Appeals. An appeal may be taken from any decision of the Director to the Secretary, pursuant to the Rules of Practice, 43 CFR, Part 221.

Oct. 20, 1947

(sgd.) C. Girard Davidson
Assistant Secretary of the Interior.

27447

Office Copy

Office Copy
Obsolete
Sec No. 184.5

Circular No. 1660

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT

Part 147 - EXCHANGES BY STATES, UNDER TAYLOR GRAZING ACT

Section 147.19 is amended to read as follows:

Section 147.19. Action on conflicting application for section 15 lease or for renewal of such lease. Where an application for a lease, or for the renewal thereof, under section 15 of the Taylor Grazing Act, conflicts with a pending application for a State exchange under section 8 of said act, the Bureau of Land Management may issue a lease or renewal lease for the lands in conflict, which lease shall provide for its termination as to the lands in conflict on the date when the pending conflicting State exchange application is approved for patenting. (R.S. 453, 2478; 43 U.S.C. 2, 1201).

(sgd.) Fred W. Johnson
Director.

Approved: Oct. 21, 1947

(sgd.) C. Girard Davidson
Assistant Secretary of the Interior.

27794

Parts are still in effect 5/26/54 BB

Circular No. 1661

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

AUTHORITY: Issued under R.S. 453, 2478, 43 U.S.C. 2, 1201 (with the exceptions cited in parenthesis following sections affected).

The following sections in Chapter I are amended in order to show changes required by Public Land Order No. 399 of August 20, 1947, revoking Executive Order No. 1324½ of March 28, 1911, withdrawing certain public lands in the Territory of Alaska containing hot or medicinal springs, as amended by Executive Order No. 1883 of January 24, 1914, and in order to eliminate from the regulations the requirement that showings as to springs or waterholes must be made in affidavit form.

Section 82.1 is amended to read as follows:

82.1 Withdrawal of lands. Every smallest legal subdivision of the public land surveys in Alaska which is vacant, unappropriated and unreserved public land and contains hot springs, or a spring the waters of which possess curative properties; and all land in the Territory within one-quarter of a mile of every such springs located on unsurveyed public land were, as of August 20, 1947, withdrawn from settlement, location, sale or entry and reserved for lease under the provisions of the Act of March 3, 1925 (43 Stat. 1133), subject to valid existing rights. 1/

Section 82.2 is amended to read as follows:

82.2 Showing required as to springs. An applicant to enter or select public lands in Alaska situated outside of national forests must furnish a duly corroborated statement as to hot or medicinal springs, in accordance with 43 CFR 292.8.

1/ The lands were withdrawn and reserved as stated by Public Land Order No. 399 of August 20, 1947. Prior to that time the public lands in Alaska were affected by Executive Order No. 1324½ of March 28, 1911, as amended by Executive Order No. 1883 of January 24, 1914, which withdrew from settlement, location, sale or entry all tracts of public land in Alaska upon which are located hot springs or other springs, the waters of which possess curative medicinal properties, to the extent of 160 acres surrounding each spring, in rectangular form, with side and end lines equidistant, as near as may be from such spring or group of springs. See secs. 292.6, 297.9 and 297.19 of this chapter.

Pub. Land 1614

Section 146.2 is amended by substituting the word "statements" for the word "affidavits" in the section headnote; by substituting the words "a statement" for the words "an affidavit" in paragraph 2; and by substituting the word "statement" for the word "affidavit" and the words "a statement" for the words "an affidavit" in the first and second sentences, respectively, of paragraph 3.

Section 292.3 is amended by substituting the word "statement" for the word "affidavit" in the first and last sentences.

Section 292.5 is amended by substituting the word "statement" for the word "affidavit" in the last two sentences.

Section 292.6 is amended by adding thereto the following:

By Public Land Order No. 399 of August 20, 1947, Executive Order 5389 was amended by deleting therefrom the words "exclusive of Alaska," so that the said order as amended applies to lands containing hot or medicinal springs in Alaska as well as elsewhere in the United States.

Section 292.7 is amended by deleting therefrom the words "exclusive of Alaska."

Section 292.8 is amended by inserting the words "or medicinal" after the word "hot" in the section headnote, by adding the words "or in the Territory of Alaska," after the word "State" in paragraph 1, and by deleting the words "made in affidavit form" in the last sentence of paragraph 2.

The title for Part 297 is amended to read: "Executive orders and related Public Land Orders referred to in Chapter I."

Section 297.1 and 297.2 are revoked. (P.L.O. 399, Aug. 20, 1947)

The following is added as a footnote to section 297.9 - "Amended so as to apply to Alaska by P.L.O. 399, August 20, 1947. See 297.19."

A new section is added to Part 297, as follows:

297.19 Withdrawal of lands containing hot or medicinal springs, including public lands in Alaska. Executive Order No. 1324½ of March 28, 1911, withdrawing certain public lands in the Territory of Alaska containing hot or medicinal springs, as amended by Executive Order No. 1883 of January 24, 1914, is hereby revoked; and Executive Order No. 5389 of July 7, 1930, withdrawing certain public lands containing hot or medicinal springs, exclusive of such lands in Alaska, is amended by deleting therefrom the words "exclusive of Alaska," so that the said order shall apply to lands containing hot or

medicinal springs in both Alaska and the United States. Executive Order No. 5389, as herein amended, shall not apply to lands within National Forests. (P.L.O. 399, Aug. 20, 1947).

(Sgd.) Fred W. Johnson
Director.

Approved: OCT 29, 1947

(Sgd.) C. Girard Davidson
Assistant Secretary of the Interior.

(COPY)

Received
District Land Office,
Denver, Colo.
Nov. 18, 1947

Circular No. 1662

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT

Part 192 - OIL AND GAS LEASES

The following new section is added to Part 192:

Section 192.9 Leases for wildlife refuge lands. No noncompetitive oil and gas lease under the Act will be issued for lands within a wildlife refuge (1) unless those lands are subjected to an approved cooperative or unit plan, and (2) unless the lease contains a provision which prohibits drilling or prospecting on the refuge lands except when consented to by the Secretary of the Interior upon the advice of the Fish and Wildlife Service. Subject to the same two conditions, competitive leases also may issue for refuge lands. Even if these conditions are not met, competitive leases may nevertheless issue if Fish and Wildlife Service reports that oil and gas development may be conducted without destroying the usefulness of the lands as a sanctuary for wildlife, or, in the absence of such a report, wherever the Secretary determines that the national interest in securing the contemplated oil and gas production outweighs the importance of maintaining the refuge as a sanctuary for wildlife (Sec. 32, 41 Stat.450, 30 U.S.C.189).

(Sgd.) Fred W. Johnson
Director.

Approved: October 29, 1947

(Sgd.) Oscar L. Chapman
Acting Secretary of the Interior.

(File: OIL AND GAS LEASES ON LANDS WITHIN WILDLIFE REFUGE LANDS.)

(COPY)

Received
District Land Office,
Denver, Colo.
Nov. 18, 1947

Circular No. 1662

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT

Part 192 - OIL AND GAS LEASES

The following new section is added to Part 192:

Section 192.9 Leases for wildlife refuge lands. No noncompetitive oil and gas lease under the Act will be issued for lands within a wildlife refuge (1) unless those lands are subjected to an approved cooperative or unit plan, and (2) unless the lease contains a provision which prohibits drilling or prospecting on the refuge lands except when consented to by the Secretary of the Interior upon the advice of the Fish and Wildlife Service. Subject to the same two conditions, competitive leases also may issue for refuge lands. Even if these conditions are not met, competitive leases may nevertheless issue if Fish and Wildlife Service reports that oil and gas development may be conducted without destroying the usefulness of the lands as a sanctuary for wildlife, or, in the absence of such a report, wherever the Secretary determines that the national interest in securing the contemplated oil and gas production outweighs the importance of maintaining the refuge as a sanctuary for wildlife (Sec. 32, 41 Stat.450, 30 U.S.C.189).

(Sgd.) Fred W. Johnson
Director.

Approved: October 29, 1947

(Sgd.) Oscar L. Chapman
Acting Secretary of the Interior.

(File: OIL AND GAS LEASES ON LANDS WITHIN WILDLIFE REFUGE LANDS.)

Circular No. 1663 28203

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Obsolete - See Circ. 1845

CODE OF FEDERAL REGULATIONS
TITLE 43—PUBLIC LANDS: INTERIOR
CHAPTER I—BUREAU OF LAND MANAGEMENT

PART 147—EXCHANGES BY STATES, UNDER TAYLOR GRAZING ACT

The fourth paragraph of section 147.2, as amended by Circular 1645 of April 7, 1947, is further amended to read as follows:

Unsurveyed school sections within or without the boundary of a grazing district may be offered by the State in an exchange based upon equal areas, but the Secretary of the Interior will consider and determine whether the values of the offered and selected lands are approximately equal for the purpose of the exchanges and no mineral reservations to the State may be made in such unsurveyed sections, the identification of which will be determined by protraction or otherwise, the State by such selections waiving all right to the unsurveyed sections.
(Sec. 2, 48 Stat. 1270; 43 U.S.C. 315a)

(Sgd.) Fred W. Johnson

Director

Approved: November 3, 1947

(Sgd.) C. Girard Davidson

Assistant Secretary of the Interior

Circular No. 1664 28202

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

Part 56 of Title 43 relating to the coordination and supervision of the work of this Bureau in Alaska is revoked.

(R.S. 453, 2478; 43 U.S.C. 2, 1201; sec. 403(e) of the President's Reorganization Plan No. 3 of 1946)

(Sgd) Fred W. Johnson
Director

Approved: Nov. 4, 1947

(Sgd) C. Girard Davidson

Secretary of the Interior

Circular No. 1665 — Oberlette

Office Copy
Circ. 1764

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

AMMENDMENT TO:
Circ. 1647
See 1764

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 257--LEASE OR SALE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT, RECREATIONAL, OR BUSINESS SITES.

AUTHORITY: The regulations herein amended issued under 52 Stat. 609; 43 U.S.C. 682a.

Section 257.2(d) 257.4, 257.5, 257.8 through 257.14, 257.16, and 257.18 through 257.21 of the regulations governing leases or sales under the Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, contained in Circular 1647, May 27, 1947, are amended as follows:

Sections 257.2(d), 257.4, 257.8, 257.9. 257.14, 257.18 and 257.19 are amended by substituting the word "Director" for the words "Regional Administrator" wherever they appear.

Section 257.5 is amended by substituting the word "Director" for the words "Regional Administrator for the State in which the land is situated."

The first paragraph of section 257.10 is amended to read as follows:

257.10 Issuance of lease; option to purchase. The manager will act on applications for and may issue leases upon lands, for periods not exceeding five years, which are classified for any purpose specified in the act, provided that (1) the applicant, upon the issuance of such lease, will have only one tract under the act and (2) the application covers a tract established by the order of classification. All other leases will be issued by the Director.

Section 257.11 is amended to read as follows:

257.11 Renewal of lease; preference rights. The manager may act upon all applications to renew leases. He may issue such renewal leases for periods not exceeding five years, provided the land then is classified for the purpose specified in the original lease.

Upon the filing of an application for the renewal of a lease, not more than six months or less than 60 days prior to its expiration, the lessee or his duly approved successor in interest will be awarded a preference right to a new lease, upon such terms and for such duration as may be fixed by the manager, if it is determined that a new lease should be granted. No option

to purchase clause may be placed in the renewal lease if it is not in the original lease unless the lands have been classified for sale.

The first paragraph of section 257.12 is amended to read as follows:

257.12 Assignment of lease; subleases of leased lands. The manager may approve assignments of leases and subleases of any lands, except where more than one tract would be assigned or subleased to an assignee or sublessee. In such case the assignment or sublease must be approved by the Director.

Section 257.13 is amended by substituting the word "manager" for the words "Regional Administrator."

Section 257.16 is amended by substituting the words "through the district land office" for the words "from the Regional Manager."

Section 257.20 is amended by substituting the word "Director" for the words "Regional Administrator of the region in which the lands are situated."

Section 257.21 is amended to read as follows:

257.21 Appeals. An appeal pursuant to the Rules of Practice, Part 221, may be taken from the decision of any subordinate officer of the Bureau of Land Management to the Director, and from the Director's decision to the Secretary.

(Sgd) Fred W. Johnson,
Director.

Approved: November 19, 1947

(Sgd) C. Girard Davidson,
Assistant Secretary.

29074

Circular No. 1666

UNITED STATES
DEPARTMENT OF THE INTERIOR
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 250--PUBLIC SALES

Sec.		Sec.	
250.1	Statutory authority	250.8	Mineral lands.
250.2	Definitions	250.9	Publication of notice; time and proof of publication; posting required.
250.3	Application	250.10	The bidding
250.4	Action upon the application or in the absence of application.	250.11	Action at close of bidding.
250.5	Effect of application.	250.12	Action after purchaser is declared.
250.6	Land subject to sale as isolated tracts.	250.13	Appeals
250.7	Land subject to sale as mountainous or too rough for cultivation; qualifications of applicant.		

AUTHORITY: Secs. 250.1 to 250.13, inclusive, issued under R.S. 453, 2478; 43 U.S.C. 2, 1201.

The following text is substituted for Part 250:

Section 250.1 Statutory authority.[1/] The sale at public auction of

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1/ The provisions of R.S. 2455 (43 U.S.C. 1171) authorizing public sales, were extended, with certain conditions, to the areas mentioned below, by the statutes indicated:

Area	Statute
Chippewa Indian lands, Minnnesota	Feb. 4, 1919 (40 Stat. 1055; 43 U.S.C. 1172)
Oregon and California railroad grant lands, Oregon, Class 3.	May 25, 1920 (41 Stat. 622; 43 U.S.C. 1174)
Oregon and California railroad grant and Coos Bay Wagon-road grant lands, Oregon.	Section 3, August 28, 1937 (50 Stat. 875)
Oklahoma	April 24, 1928 (45 Stat. 457; 43 U.S.C. 1171a)
Alabama coal lands	May 23, 1930 (46 Stat. 377; 43 U.S.C. 1171b)

isolated or disconnected tracts of public land not exceeding 1520 acres, and tracts not isolated, of not exceeding 760 acres, the greater parts of which are mountainous or too rough for cultivation, is authorized by section 2455 of the Revised Statutes, as amended by section 14 of the Act of June 28, 1934 (48 Stat. 1274; 43 U.S.C. 1171) and the Act of July 30, 1947 (Public Law 273, 80th Cong., 1st Sess.).

Section 250.2 Definitions. When used in this part:

(a) "Secretary" means Secretary of the Interior.
(b) "Director" means Director, Bureau of Land Management.
(c) "Manager" means Manager of the land office for the district in which the land is situated. Where there is no district land office in a state, it means the Director.
(d) "Applicant" or "purchaser" includes an individual, a partnership, an association or a corporation.

Section 250.3 Application. An application to have tracts ordered into the market must be executed in duplicate on Form 4-008e. The application must be filed with the manager of the land office for the district within which the land is situated. If the land is in a State in which there is no district land office, the application must be filed with the Director.

The application need not be under oath but must be signed by the applicant and two corroborating witnesses having personal knowledge of the facts stated therein.

Section 250.4 Action upon the application or in the absence of application. If an application is not properly executed or not corroborated, if the applicant does not show himself qualified, or if the tract appears not to be subject to disposition, the application will be rejected. If part of the tract is appropriated, the application will be rejected as to that part, and, in the absence of an appeal, the description thereof eliminated from the application, and such further action will be taken as though it had never been included therein.

The Director may classify under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315f) as amended, land for offering under this part, and he may authorize such offering of the land for sale if he determines, in accordance with the existing regulations and procedures, that such land is suitable for disposal as an isolated or as a rough or mountainous tract, as the case may be.

The Director may authorize the offering of an isolated tract for sale either upon application or on his own motion.

Section 250.5 Effect of application. The filing of an application in conformity with the regulations in this Part will not segregate the lands applied for from other application under the public land laws, or defeat a prior valid right initiated under any such law. However, until the issuance of a cash certificate, the Director may at any time determine that

the lands should not be sold, the applicant or any bidder has no contractual or other rights as against the United States, and no action taken will create any contractual or other obligation of the United States.

Section 250.6 Land subject to sale as isolated tracts. There is no limitation as to the number of isolated tract applications which may be filed, nor as to the amount of such land which may be applied for or purchased by any one person or group. An application may include several incontiguous tracts, but it may not embrace an aggregate area in excess of 1520 acres, and tracts with an area over 1520 acres will not be ordered into the market. Each isolated tract will be offered separately and a separate cash certificate will be issued for each tract, except to the extent that they are bought by the same person.

As a general rule, no tract will be deemed isolated unless it is completely surrounded by lands held in non-Federal ownership, or is so effectively separated from other Federally owned lands by some permanent withdrawal or reservation as to make its use with such lands impracticable. A tract is considered isolated if the contiguous tracts are all patented, even though there are other public lands cornering upon the tract.

Section 250.7 Land subject to sale as mountainous or too rough for cultivation; qualifications of applicant. Legal subdivisions not exceeding 760 acres, the greater part of which is mountainous or too rough for cultivation, may be offered for sale only upon the application of any person who owns land or holds a valid entry on lands adjoining such tract and regardless of the fact that such tract may not be actually isolated.

An applicant for sale of a tract which is mountainous or too rough for cultivation must show that he is the owner of the whole title, that is, the fee owner, of land adjoining the land applied for, or that he holds a valid entry embracing adjoining land, in connection with which entry he has met the requirements of the law. A showing that the applicant owns cornering land or holds a valid entry of a cornering tract would not qualify him.

An application under this section may not embrace more than 760 acres. An applicant may file any number of applications provided the land applied for together with such land previously purchased does not exceed 760 acres in area. The limitation under this section relates only to applications under this section. In acting on applications for rough or mountainous tracts, regard will be had to the character of each subdivision applied for. An entire tract composed of more than one legal subdivision will not be offered upon the ground that the greater part of the tract is mountainous or too rough for cultivation, if taken as a whole.

Section 250.8 Mineral lands. Mineral lands may not be sold except under specific statutory authority which exists for the sale of lands valuable for certain minerals with a reservation of those minerals to the United States. The regulations relating to applications for the surface of such lands are contained in 43 CFR, Part 102. They must be complied

with whenever an application is filed for land, withdrawn, classified, or valuable for such minerals, where such land is embraced by mineral permits or leases, or applications for such permits or leases, or where the land lies within the geological structure of a producing oil or gas field.

The notice of sale for publication and posting will provide that the land will be sold subject to reservations to the United States of the appropriate minerals, and in accordance with the provisions of the applicable act or acts which authorize the making of the reservation. The cash certificate and patent will provide for such reservation and will refer to such act or acts.

Section 250.9 Publication of notice; time and proof of publication; posting required. Upon the issuance of a decision authorizing the sale, a notice for publication will be sent the applicant with instructions that he publish it at his expense in the newspaper designated. Payment for publication must be made by the applicant directly to the publisher. The notice must be published prior to the date of sale in the designated newspaper, if a daily paper, in the Wednesday issue for 5 consecutive weeks; if a weekly, in 5 consecutive issues; and if a semi-weekly, or tri-weekly, in the issue of the same day of each week, for 5 consecutive weeks. The manager will cause a similar notice to be posted in his office during the entire period of publication.

The applicant must file in the district land office, prior to the date fixed for the sale, evidence that publication has been had for the required period. Such evidence may consist of the affidavit of the publisher, accompanied by a copy of the notice published.

Section 250.10 The bidding. The land will be offered for sale at public auction, at not less than its appraised value, at the time and place fixed in the public notice.

Bids may be made by the principal or his agent, either presonally at the sale or by mail.

Bids sent by mail will be considered only if received at the district land office prior to the hour fixed for the sale. These bids must be enclosed in sealed envelopes and must be accompanied by certified checks or post office money orders for the amounts of the bids. The envelopes must be marked in the lower-left-hand corner as prescribed in the notice of sale. The envelopes containing the sealed bids will not be opened by the manager until the time fixed for the sale. However, he will note on each envelope the hour and date of its receipt.

The manager will commence the sale by reading the public announcement thereof and by opening the sealed bids and announcing such bids. He will then receive bids from the persons present.

All bidders are warned against violation of the provisions of section 59 of the United States Criminal Code, approved March 4, 1909 (35 Stat. 1099; 18 U.S.C. 113), prohibiting unlawful combination or intimidation of bidders.

Section 250.11 Action at close of bidding.

(a) Declaration of highest bidder. When all persons present shall have ceased bidding, the manager will, in the usual manner, declare the bidding closed, subject to the preference right of purchase of owners of contiguous land (see paragraph (b) of this section), announce the amount of the highest bid and declare the offerer thereof (or his principal) the highest bidder, provided that the latter immediately pays to the manager the amount of the bid, if he has not already done so. In the absence of such payment, the manager will at once proceed with the sale, excluding the bid made by the highest bidder and starting with the next highest bid not withdrawn. In the event the bids of two or more persons sent by mail are the same in amount and are the highest offered, the first received, as shown by the hour and date noted on the envelope, will be accepted by the manager. In no event may the land be sold or a purchaser declared before the end of the 30 day period for the assertion by contiguous land owners of their preference right of purchase.

(b) Preference right of purchase; declaration of purchaser. The owners of contiguous lands have a preference right, for a period of 30 days after the highest bid has been received, to purchase the land offered for sale at the highest bid price or at three times the appraised price if three times such appraised price is less than the highest bid price. Such preference right may also be asserted at any time prior to the commencement of such period. Such preference right is not extended to the owner or owners of cornering lands.

1. A preference right to purchase must be supported by proof of the claimant's ownership of the whole title to the contiguous lands (that is, he must show that he had the whole title in fee), and must be accompanied by the purchase price of the land.1/

2. If there is only one qualified preference right claimant, or if there are conflicting qualified preference right claimants and there is an amicable agreement among them, the manager will declare such claimant or claimants the purchasers.

3. Where there is a conflict between two or more persons claiming a preference right of purchase, they will be allowed 30 days from receipt of notice within which to agree among themselves upon a division of the tracts in conflict by subdivisions. In the absence of an agreement,

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1/ Although one who holds a valid adjoining entry may file an application for the sale of lands which are mountainous or too rough for cultivation, he may not assert a preference right of purchase unless he has acquired the whole title to adjoining lands.

the Director will make a determination equitably apportioning the various subdivisions among the claimants, ordinarily so as to equalize as nearly as possible the tracts they should be permitted to purchase. Where only one subdivision is offered for sale and it adjoins the lands of two or more preference right claimants, it will generally be awarded to the applicant for the sale if he is a qualified preference right claimant; if he is not, it will be awarded to the first qualified person who properly asserts such a preference right within or prior to the 30 day preference right period. The manager will make the award by declaring the appropriate claimant or claimants purchasers of the land.

4. If, by the end of the preference right period, no preference right has been asserted, the sale will be declared closed and the manager may declare the highest bidder the purchaser.

Section 250.12 Action after purchaser is declared.

(a) Payment of cost of publication by purchaser. If the applicant for the sale is an unsuccessful bidder, the person awarded the land must reimburse and pay directly to him the amount expended for publication of notice and file evidence thereof in the district land office within 10 days from the date he is declared the purchaser. If the evidence is not furnished, the manager will reject the bid and will accept the bid next in order, subject to the same conditions. Where an equitable apportionment of the land is made between two or more claimants, pursuant to paragraph (b) of section 250.11, each of the claimants must bear an equal share of the expense.

(b) The purchaser must, within 10 days after he has been so declared, also file with the manager evidence that he is a citizen of the United States, or if a partnership, evidence of the citizenship of its members. If the purchaser is an unincorporated association, evidence must be filed that each of its officers are citizens. Such associations shall indicate the citizenship of each member. A corporation shall indicate the citizenship status and amount of stock held by each stockholder and furnish a certified copy of its articles of incorporation, showing that it is a corporation organized under the laws of the United States or any State, Territory or possession thereof and that the corporation is authorized to acquire and hold real estate in the State in which the land is situated.

If any appreciable number of the members of an unincorporated association are aliens or any appreciable percentage of the stock of a corporation is held by aliens, the bid of said association or corporation will be rejected.

(c) Where the purchaser has fully complied with these regulations in this Part, the manager will issue a cash certificate.

Section 250.13 Appeals. An appeal pursuant to the Rules of Practice (43 CFR, Part 221) may be taken from any decision of the manager to the Director, and, from the decision of the Director to the Secretary.

(Sgd) Fred W. Johnson,
Director.

Approved: November 19, 1947

(Sgd) C. Girard Davidson,
Assistant Secretary of the Interior.

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Circular No. 1667 — Obsolete - See Circ 1852

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

PART 69--MINERAL LANDS: GENERAL MINING REGULATIONS

AUTHORITY: Sections 69.12 to 69.18, inclusive, issued under Act of August 8, 1947 (Public Law 383, 80th Cong.)

Sections 69.12 to 69.18, inclusive, are amended to read as follows:

MINING FOR GOLD AND OTHER PRECIOUS METALS IN THE BEDS AND ALONG THE SHORES OF NAVIGABLE WATERS IN ALASKA.

Section 69.12 Purpose and authority. The Act of August 8, 1947 (Public Law 383, 80th Cong.) amends section 26 of the Act of June 6, 1900, as amended (31 Stat. 321, 52 Stat. 588; 48 U.S.C. 381) to authorize the exploration and mining for gold and other precious metals in Alaska in land below the line of ordinary high tide on tidal waters and below the line of ordinary high water mark on nontidal waters navigable in fact, subject to certain conditions. It is the purpose of Sections 69.12 to 69.18, inclusive, to set forth the conditions under which such exploration and mining operations may be conducted.

Section 69.13. Filing of notice of intention to mine. Any citizen of the United States, any person who has legally declared his intention to become such, any association of such citizens, or any corporation organized under the laws of the United States or of any State or Territory thereof, shall, before commencing actual operations file a notice of intention to mine or dredge for gold and other precious metals in any of the land described in the preceding section. This notice must be filed in triplicate in the nearest District Land Office, and should contain (a) the full name, address and citizenship of the person filing the notice, (b) a description of the place where the dredge will be initially located or the mining operations otherwise commenced, such place to be connected where practicable by course and distance to a corner of the public land survey on the shore, or if there are no surveyed lands in the vicinity, with the nearest, readily-ascertainable geographical or topographical point, (c) a statement that actual dredging or mining operations will be commenced no later than 90 days after the date of filing of the notice, and (d) a statement that the dredging or other mining operations will comply with all pertinent regulations and laws.

Section 69.14. Area to be dredged. In order to assure the preservation of order and the avoidance of conflict, each dredge commencing operations in accordance with Sections 69.12 to 69.18, inclusive, shall not be interfered with by other dredging or mining operations within an area of 200 feet in the direction of either bank and within a space of 500 feet up or down stream. This area shall be indicated by properly-placed buoys. Other dredges or boats are to have access to such area for passage and navigational purposes, but, while passing through that area, are not to extract any minerals nor engage in any dredging or moving of materials except as may be necessary for the actual movement of the equipment.

Section 69.15. Restrictions on dredge location. No dredge shall be placed in a position or be so operated as to interfere with the free passage of boats on nontidal waters navigable in fact or along the shore line of tidal waters, or interfere with the landing at any public wharf, or with other authorized means for landing stores or supplies. No dredge shall be located nearer to the shore than 100 feet from the line of ordinary low tide on tidal waters. Nor shall any dredge be located within the limits of frontage occupied by any townsite, mission or trading company with established entry under the law.

Section 69.16. Laws for the protection of navigable waters and fisheries. No dredging or other mining operations shall be conducted unless all the applicable laws and regulations relating to navigable waters and to the protection of fisheries are complied with.

Cross Reference: The regulations of the Fish and Wildlife Service of the Department of the Interior concerning fisheries are codified in 50 CFR. For regulations of the Department of War concerning navigable waters, see 33 CFR.

Section 69.17. Prior rights protected. No dredging or other mining shall in any way be deemed to affect or impair any valid claims, rights or privileges arising under any other provision of law, including possessory claims under the first proviso of Section 8 of the Act of May 17, 1884 (23 Stat. 26).

Section 69.17a. Dredging under prior regulations. Dredging or other mining operations which were commenced after the date of enactment of the Act of August 8, 1947 (Public Law 383, 80th Cong.) but before the effective date of this revision of Sections 69.12 to 69.18, inclusive, and notices of intention to commence such operations which were filed between those two dates, are considered valid in all respects if there has been full compliance with the pertinent requirements of Sections 69.12 to 69.18, inclusive, as printed in 43 CFR, Cum. Supp.

Section 69.18. No title to be acquired; rights of future States. No dredging or other mining operations shall authorize, or be permitted to lead to, the acquisition of title to any of the land dredged or mined.

Any privileges acquired with respect to mining operations in land, title to which is later transferred to a future State upon its admission to the Union, and which is situated within its boundaries, shall be terminable, by such State, and the mining operations shall be subject to the laws of such State.

(Sgd.) Fred W. Johnson,

Director.

Approved: Nov. 26, 1947

(Sgd.) Oscar L. Chapman

Acting Secretary of the Interior.

29948

FEB 1950
Bureau of Land Management
Montana Land Office
Billings, Montana

Office File

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1668, Amdt. 1]

PART 200—MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

LEASING OF MINERAL DEPOSITS OTHER THAN OIL, GAS, OIL SHALE, COAL, PHOSPHATE, POTASSIUM, SODIUM, AND SULPHUR IN CERTAIN ACQUIRED LANDS

1. Section 200.31 is amended by the addition of a new paragraph as follows:

§ 200.31 *Authority.* * * *

(b) Section 3 of the act of September 1, 1949 (Public Law 280, 81st Congress), authorized the issuance of mineral leases or permits for the exploration, development and utilization of minerals, other than those covered by the Mineral Leasing Act for Acquired Lands, in certain lands added to the Shasta National Forest by the act of March 19, 1948 (62 Stat. 83).

2. Section 200.32 (a) is amended by the addition of a new subparagraph (3) so that paragraph (a) reads as follows:

§ 200.32 *Scope.* (a) Except as to the minerals listed in § 200.31, §§ 200.31 through 200.36 apply to the leasing or other disposal of minerals.

(1) In acquired lands under the act of March 4, 1917 (39 Stat. 1134, 1150; 16 U. S. C. 520), Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205; 40 U. S. C. 401, 403 (a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of Title I of the act of August 24, 1935 (49 Stat. 750, 781), the act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725; 7 U. S. C. 1011 (c) and 1018),

(2) In acquired lands, except Indian lands, under the jurisdiction of the bureaus and other agencies of the Department of the Interior, and

(3) In those lands added to the Shasta National Forest by the act of March 19, 1948 (62 Stat. 83), which were acquired with funds of the United States, or lands received in exchange therefor.

(R. S. 161, 5 U. S. C. 22; sec. 3, Pub. Law, 280, 81st Cong.)

ROSCOE E. BELL,
Associate Director.

Approved: December 16, 1949.

WILLIAM E. WARNE,
Assistant Secretary of the Interior.

[F. R. Doc. 49-10242; Filed, Dec. 21, 1949; 8:47 a. m.]

Published in Federal Register, Volume 14, Number 246, of December 22, 1949, page 7646

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Circular No. 1668

Amend 1

See also 1657, No. 1804, 1821

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

Replaced by Circular 1919 (41 FR 1)

PART 200--MINERAL DEPOSITS IN ACQUIRED LANDS AND UNDER RIGHTS-OF-WAY

LEASING UNDER THE MINERAL LEASING ACT FOR ACQUIRED LANDS

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200.3 Consent of agency having jurisdiction of land

200.4 Other regulations applicable.

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see * 1804

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LEASING OF MINERAL DEPOSITS OTHER THAN OIL, GAS, OIL SHALE, COAL, PHOSPHATE, POTASSIUM, SODIUM AND SULPHUR IN CERTAIN ACQUIRED LANDS

Sec.
200.31 Authority

200.32 Scope

200.33 Outstanding mineral permits and leases

200.34 Filing of applications for mineral permits or leases

200.35 Terms and conditions of mineral permits and leases

200.36 Payments and reports

AUTHORITY: Secs. 200.1 to 200.10, inclusive, issued under Section 10 of Act of August 7, 1947 (Public Law 382, 80th Congress); Secs. 200.31 to 200.36, inclusive, issued under authority of R.S. 161, 5 U.S.C. 22; 59 Stat. 617; 5 U.S.C. 133y - 7(a)(1); Sec. 402 Reorganization Plan No. 3 of 1946, effective July 16, 1946 (11 F.R. 7875, 7876); Order 2291, Secretary of the Interior, January 27, 1947.

LEASING UNDER THE MINERAL LEASING ACT FOR ACQUIRED LANDS

Sec. 200.1 Purpose and authority. The Mineral Leasing Act for Acquired Lands, enacted on August 7, 1947 (Public Law 382, 80th Congress), and hereinafter referred to in this section, and in Sections 200.2 through 200.10, as "the act," authorizes the Secretary of the Interior to issue permits and leases for deposits of oil, gas, oil shale, coal, phosphate, sodium and potassium in lands acquired by the United States, including such lands in Alaska, subject to the same conditions as contained in the mineral leasing laws of October 20, 1914 (38 Stat. 741; 48 U.S.C. sec. 432), February 25, 1920 (41 Stat. 437; 30 U.S.C. sec. 181), February 7, 1927 (44 Stat. 1057; 30 U.S.C. sec. 281), and in all laws which amend or supplement those mineral leasing laws. The act also authorizes the issuance of permits and leases for sulphur deposits in such acquired lands, wherever situated, subject to all other conditions contained in the Act of April 17, 1926 (44 Stat. 301; 30 U.S.C. sec. 271).

The authority conferred upon the Secretary by the act, supersedes the authority conferred upon him by Section 402 of Reorganization Plan No. 3, effective July 16, 1946 (11 F.R. 7875), as to the above-enumerated minerals, except as to leases or permits outstanding on August 7, 1947.

Sec. 200.2 Lands and deposits to which the Act does not apply. The Act does not apply to lands

(1) acquired for the development of their mineral deposits,
(2) acquired by foreclosure or otherwise for resale,
(3) reported as surplus under the Surplus Property Act of October 3, 1944 (58 Stat. 765; 50 U.S.C. sec. 1611 et seq.),
(4) in incorporated cities, towns and villages,
(5) in national parks and monuments,
(6) set apart for military or naval purposes, including lands within naval petroleum and oil shale reserves, or
(7) which are tide lands, submerged coastal lands, within the continental shelf adjacent or littoral to any part of land within the jurisdiction of the United States.

Sec. 200.3 Consent of agency having jurisdiction of the land. Leases or permits may be issued only with the consent of the head or other appropriate official of the executive department, independent establishment or instrumentality having jurisdiction over the lands containing the deposits, or holding a mortgage or deed of trust secured by such lands, and subject to such conditions as that official may prescribe to insure adequate utilization of the lands for the primary purpose for which they were acquired or are being administered.

Sec. 200.4 Other regulations applicable. Except as herein otherwise specifically provided, the regulations prescribed under the mineral leasing laws and contained in Parts 70, 71 and 191 to 198, inclusive, of this chapter, shall govern the disposal and development of minerals under the act to the extent that they are not inconsistent with the provisions of the act. Any lease or permit issued under the act shall state that it is subject to the terms and provisions of the act.

Cross Reference: For regulations concerning oil and gas leasing see 43 CFR Part 192, for coal - Part 193, for potash - Part 194, for sodium - Part 195, for phosphate - Part 196, for oil shale - Part 197, for sulphur - Part 198, for minerals in Alaska - Parts 70 and 71. Part 191 contains regulations of general applicability and should be consulted in connection with all types of mineral leasing. For the pertinent operating regulations, see 30 CFR, Parts 211, 221, 226 and 231.

Sec. 200.5 Supplemental information required in lease or permit applications, and place for application filing. In addition to the information required by the appropriate regulations, referred to in Section 200.4, each application for a lease or permit must contain (a) a separate statement of the applicant's interests, direct and indirect, in leases or permits for similar mineral deposits, or in applications therefor, on Federally-owned acquired lands in the same State, identifying by serial number the records where such interests may be found, and (b) a complete and accurate description of the lands for which a lease or permit is desired. If surveyed according to the governmental "rectangular system," legal subdivisions should be used in the description; otherwise by metes and bounds connected with a corner of the public surveys by courses and distances, by lot numbers with reference to the appropriate recorded plat or map, or by any other method of description best suited to identify the lands most clearly and accurately. The description should, if practicable, refer to (1) the administrative unit or project of which the land is a part, the purpose for which the land was acquired by the United States, and the name of the governmental body having jurisdiction

over the lands (2) the name of the persons who conveyed the lands to the United States, (3) the date of such conveyance, and the place, liber and pager number of its official recordation.

All applications under the act should be filed with the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

Sec. 200.6 Restrictions on holdings. Acreage held by any lessee or permittee under this act shall be chargeable against and subject to the acreage limitations and restrictions set forth in the regulations cited in section 200.4. Where the United States owns only a fractional interest in the mineral resources of the lands involved, only that part of the total acreage involved in the lease which is proportionate to the ownership by the United States of the mineral resources therein shall be charged as acreage holdings. Agreements to issue a lease at some future time are not to be charged as acreage holdings until the lease for the future interest takes effect.

Sec. 200.7 Leases of future or fractional interests. The Secretary may issue leases for fractional or future interests in mineral deposits covered by the act, whenever, in his judgment the public interest will best be served thereby. In leasing lands in which the fractional or other interest owned by the United States is different for different tracts, separate leases will issue for the different interests, or, a single lease may issue with separate development, production and royalty requirements for the different interests. Applicants for leases for fractional interests should in addition to the information required by Section 200.4 and 200.5, submit a statement showing whether that portion of the mineral interest not owned by the United States has been leased and if so, the name and address of such lessee. Applicants for leases for future interests are required to submit a detailed showing as to contemplated development plans, and the terms and ownership of any outstanding lease covering the lands embraced in the application.

Sec. 200.8 Preference right of oil and gas lease applicants. Qualified applicants for oil and gas leases embracing lands subject to the act, whose applications were pending on the effective date of the act, shall have a preference right over others for an oil and gas lease under the act, provided that on the date when the application was filed the lands were not within the known geologic structure of a producing oil or gas field.

Sec. 200.9 Exchange leases. (a) Oil and gas leases, outstanding on August 7, 1947, and which cover lands subject

to the act, may be exchanged for new leases to be issued under the act. New leases shall be issued for a term of five years and so long thereafter as oil or gas is produced in paying quantities, and shall be dated to be effective as of the first of the month after the filing of the application to exchange. The rental rates for the new lease, for lands not within the known geologic structure of a producing oil or gas field at the time of the filing of the application for exchange, shall be the same as those set forth in Section 192.80(a) of this Title, and the royalty rate for such lands shall be 12½ per cent. For all other lands, the rental rate for the new lease shall be $1.00 per acre per annum, and the royalty requirements shall be the same as those stipulated in the lease offered in exchange.

(b) Coal, phosphate, sodium, potassium, sulphur, or oil shale leases, outstanding on August 7, 1947, and which cover lands subject to the act, may be exchanged for new leases to be issued under the act subject, in each case, to such appropriate conditions as may be prescribed by the Secretary.

Sec. 200.10 Sale or conveyance of lands. Any sale or conveyance of lands subject to the act by the agency having jurisdiction thereof, shall be subject to any lease or permit theretofore issued under the act.

LEASING OF MINERAL DEPOSITS OTHER THAN OIL, GAS, OIL SHALE, COAL, PHOSPHATE, POTASSIUM, SODIUM, AND SULPHUR IN CERTAIN ACQUIRED LANDS.

200.11 – del Circ 1821

Sec. 200.31 Authority. Section 402, Reorganization Plan No. 3 of 1946 (11 F.R. 7875) transferred the functions of the Secretary of Agriculture and the Department of Agriculture relative to the leasing or other disposal of minerals in certain acquired lands to the Secretary of the Interior. These functions have been delegated to the Bureau of Land Management and the Geological Survey, to be exercised in accordance with general policies approved by the Secretary (Sections 4.261 (a) and 4.622 of this Title). By virtue of Departmental Order 2291 of January 27, 1947 (Sections 4.261 (b) and 4.622 of this Title), the Bureau of Land Management and the Geological Survey also have similar functions with respect to the leasing of minerals, where authorized by law, in acquired lands under the jurisdiction of the bureaus and other agencies of the Department of the Interior, except Indian lands. To the extent that the Plan and Departmental Order authorizes the leasing of oil, gas, oil shale, coal, phosphate, potassium, sodium and sulphur, they have been superseded by the authority conferred upon the Secretary by the Mineral Leasing Act for Acquired Lands (Public Law 382, 80th Congress) with respect to the enumerated minerals.

(b) See Amend. No. 1

Cross Reference: For regulations under the Mineral Leasing Act for Acquired Lands, see Sections 200.1 through 200.10.

Sec. 200.32 Scope Except as to the minerals listed in the preceding section, Section 200.31 through 200.36 apply to the leasing or other disposal of minerals

(1) In acquired lands under the act of March 4, 1917 (39 Stat. 1134, 1150, 16 U.S.C. 520), Title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195, 200, 202, 205, 40 U.S.C. 401, 403 (a) and 408), the 1935 Emergency Relief Appropriation Act of April 8, 1935 (48 Stat. 115, 118), section 55 of Title I of the Act of August 24, 1935 (49 Stat. 750, 781), the Act of July 22, 1937 (50 Stat. 522, 525, 530), as amended July 28, 1942 (56 Stat. 725, 7 U.S.C. 1011 (c) and 1018), and

(2) in acquired lands, except Indian lands, under the jurisdiction of the bureaus and other agencies of the Department of the Interior,

See Amend. no. 1

Leases or permits may be issued, or the minerals otherwise disposed of, only if the Director of the Bureau of Land Management is advised by the appropriate official of the Department, bureau or agency, having jurisdiction over the lands, that development of such minerals will not interfere with the primary purpose for which the land was acquired, and any lease, permit or other instrument, granting the right to mine and remove the minerals will contain such stipulations as may be specified by that official in order to protect such purposes. If, however, there is any disagreement between any of the bureaus or agencies of the Department of the Interior as to leasing any land, or as to the terms or conditions of any proposed lease, the matter shall be submitted to the Secretary by the bureaus or agencies concerned.

Sec. 200.33 Outstanding Mineral Permits and Leases. Permits and leases heretofore issued by the Department of Agriculture will continue to be administered by the Department of the Interior in accordance with the regulations under which they were issued.

Sec. 200.34 Filing of applications for Mineral Permits or Leases. Applications for permits or leases may be filed with the Bureau of Land Management, Department of the Interior, Washington 25, D. C. by any citizen of the United States, or corporation organized and existing under the laws of the United States or any State thereof.

Sec. 200.35 Terms and conditions of Mineral Permits and Leases. Prospecting and mining permits shall not exceed 20

years' duration and shall provide for an annual rental payable in advance of not less than 25¢ per acre and a royalty of not less than 2% of the value of the minerals after having been brought to the surface of the ground. After production begins, the yearly advance rental shall be credited on the royalty payments for that year. The permit may also require the posting of a bond in an amount to be determined by the Director of the Bureau of Land Management. Prospecting may, in the discretion of the appropriate official of the Department, bureau or agency, having jurisdiction over the lands, be carried on without permit where no structures are to be erected and no substantial excavation or disturbances of the surface will be made. Mineral leases shall be subject to such terms and conditions as may be prescribed in each case by the Director of the Bureau of Land Management.

Sec. 200.36 Payments and Reports. All payments of rentals and royalties on permits and leases shall be made to the Director of the Bureau of Land Management and all reports concerning operations shall be filed with the Director of the Geological Survey.

(Sgd) Fred W. Johnson,
Director.

Approved: December 15, 1947

(Sgd) C. Girard Davidson,
Assistant Secretary of the Interior.

Circular No. 1669

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 210--OFFICERS AND EMPLOYEES

Section 210.1 is amended by adding a cross reference as follows:

* * *

CROSS REFERENCE: Attorneys and other practitioners not to act as notaries in same case, see sec. 221.89(a).

PART 221--RULES OF PRACTICE

The following section is added under the heading ATTORNEYS:

221.89(a). Attorneys and agents acting as notaries in the same case. The third proviso of section 558 of the act of March 3, 1901 (31 Stat. 1279), as amended December 16, 1944 (58 Stat. 810, D. C. Code (1940 ed.), Supp. IV, sec. 1-501), provides that no notary public shall be authorized to take acknowledgments, administer oaths, certify papers or perform any official act in connection with matters in which he is employed as counsel, attorney or agent, or in which he may be in any way interested, before any of the departments of the United States Government. Under this statute, any papers in which such notarial action has been taken by such person must be returned for valid notarial action (Rev. Stat. 453, 2478; 43 U.S.C. 2, 1201).

(Sgd) Mastin G. White
Acting Assistant Secretary of the Interior

January 26, 1948

32450

payments. Manual Part 947 E.

Circular No. 1670

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See Circular 1758

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Obsolete

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

Parts 259, 260, and 261 are repealed and a new Part 259 adopted to read as follows:

PART 259--DISPOSAL OF MATERIALS

Secs.

259.1 Statutory authority

259.2 Definitions

259.3 Disposals which must be made under other statutes; rights under other statutes.

SALES

259.4 Sale and appraisal

259.5 Who may apply

259.6 Application; contents

259.7 Action on application

259.8 Publication and posting

259.9 Deposits with bids

259.10 Conditions precedent to execution of contract

259.11 Contract

259.12 Bond

259.13 Payment

259.14 Lien

259.15 Recordation

259.16 Passage of title; risk of loss.

259.17 Reappraisals

259.18 Assignments

259.19 Termination of contract

259.20 Extension of time

259.21 Removal of personalty upon termination of contract

259.22 Default; suspension; cancellation; damages and expense incurred by Government chargeable to purchaser

259.23 Expiration of contract.

FREE USE

259.24 Free use privilege; limitations

259.25 Application for permit

259.26 Issuance of permit; removal of material; bond

259.27 Removal by agent

259.28 Termination of permit; extensions; notice of completion of removal operations.

GENERAL

259.29 Appeals.

AUTHORITY: Secs. 259.1 to 259.29, inclusive, issued under the Act of July 31, 1947 (Public Law 291, 80th Cong., 1st Sess.).

DISPOSAL OF MATERIALS

Section 259.1 Statutory authority. The Act of July 31, 1947 (Public Law 291, 80th Cong., 1st Sess.) authorizes the disposal of materials, including but not limited to sand, stone, gravel, yucca, manzanita, mesquite, cactus, common clay, and timber or other forest products, on public lands of the United States in Alaska and the continental United States, except as to the conditions specified and the reserved lands listed below:

(a) The disposal shall not be otherwise expressly authorized by laws of the United States, including the United States mining laws;

(b) It shall not be expressly prohibited by laws of the United States;

(c) It shall not be detrimental to the public interest;

(d) Nothing in the Act shall be construed to apply to lands in any national forest, national park or national monument or to any Indian lands or lands set aside or held for the use or benefit of Indians, including lands over which jurisdiction has been transferred to the Department of the Interior by Executive order for the use of Indians.

(e) Except as to the lands specified in paragraph (d), above, the disposal may be made of materials on lands withdrawn in aid of a function of a Federal department or agency other than the Department of the Interior or of a State, Territory, County, municipality, water district, or other local government subdivision or agency, with the consent of said Federal department or agency, or of such State, Territory, or local governmental unit.

Section 259.2 Definitions.

(a) "Regional Administrator" means the Regional Administrator, Bureau of Land Management. Where there is no Regional Administrator, it means Director, Bureau of Land Management.

(b) "Manager" means Manager of the District Land Office. Where there is no District Land Office, it means Director, Bureau of Land Management.

(c) "Signing Officer" means the Government official who has been duly authorized to sign the contract for the disposal of materials or to issue a permit under the Act and to take action under such contract or permit.

(d) "Officer in Charge" means such officer as may be designated by the Signing Officer or other authorized government official to supervise operations under such contract or permit.

(e) "The Act" means the Act of July 31, 1947 (Public Law 291, 80th Cong., 1st Sess.).

Section 259.3 Disposals which must be made under other statutes; rights under other statutes. The disposal of materials will be made under other acts where there is any such statutory authority. Dead or down timber, or timber which has been seriously or permanently damaged by forest fires, shall not be disposed of under the act but, rather under the Act of March 4, 1913 (37 Stat. 1015; 16 U.S.C. 614, 615), as amended, and the regulations thereunder (43 CFR, Part 284). However, where such dead, down, or damaged timber is intermingled with timber which is live, standing, and of merchantable size and quality, and it is not feasible to sell the two classes of timber separately, consideration will be given to the disposal of both classes in a single transaction under the act and the regulations in this Part.

The disposal of timber in Alaska, where statutory authority under other acts exists, will be made under such statutes and the applicable regulations (43 CFR, Part 79). Timber on the revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road grant lands will be disposed of under the applicable act and regulations (43 CFR, Part 115).

The limitations on free use privileges under the act because of the existence of other statutory authority for the free use of timber are set out in section 259.24.

Timber and other forest products will not be sold under the act if it is determined that such products should be managed under a sustained yield program pursuant to the Act of March 29, 1944 (58 Stat. 132; 16 U.S.C. 583). Sand, stone and gravel of such quality and quantity as to be subject to the mining laws, will not be disposed of under the act.

Where there are valid, existing claims to the land by reason of settlement, entry, or similar rights obtained under the public land laws, no disposal of the materials on the land may be made under the act. If the interest in the land is of such nature that it may not be inconsistent with such disposal of materials on the land, as in the case of a lawful grazing or mining use, the materials may be disposed of under the act, under such conditions as the Signing Officer, in his discretion, may specify.

SALES

Section 259.4 Sale and appraisal. All materials to be sold under the provisions of the act shall be appraised and in no case shall they be sold at less than the appraised price. They shall be sold to a responsible qualified purchaser under the appropriate form of contract and upon such additional terms as the Signing Officer may consider advisable.

Where the appraised value of the timber or other material is $1,000 or less it may be disposed of to a responsible qualified applicant or to such a person making the highest offer at public auction or under sealed bids. A sale without competitive bidding may be made after due publication, as set out in section 259.8, in the discretion of the Signing Officer and where no competitive interest is disclosed by field examination or other source of information. No more than one such sale may be made to any one applicant or for his use in any twelve month period.

If the appraised value exceeds $1,000, however, a sale may be authorized only to the highest responsible qualified bidder under sealed bids. Offerings of material for sale may also be made from time to time without the receipt of application when, in the judgment of the Signing Officer, such action is in the public interest.

Section 259.5 Who may apply. An applicant may be (a) an individual who is a citizen of the United States, (b) a partnership composed of such persons, (c) an unincorporated association whose officers are all citizens, or (d) a corporation organized under the laws of the United States or of a State or Territory thereof and authorized to transact business in the State or Territory in which the lands involved are situated. If any appreciable number of the members of an unincorporated association are aliens or any appreciable percentage of the stock of a corporate applicant is held by aliens, the application will be denied.

Section 259.6 Application; contents. An application to purchase hereunder, must be filed in triplicate in the land office for the district in which the material is located. If there be no district land office in the State, the application shall be filed in the Bureau of Land Management, Washington, D. C. The application should be made on form 4-059 and contain the following data:

(a) The full name and address of the applicant, the general nature of his business, and the principal place of business;

(b) The age and proof of the citizenship of the applicant if an individual, or as to each partner or member if a partnership or association. If the applicant is native born, a statement to that effect will be sufficient. An applicant who is a naturalized citizen shall state the date of his naturalization, the court in which he was naturalized, and if he knows it, the number of his naturalization certificate. If the applicant is a woman, she shall also state whether she is married or single and if married, she must furnish the date of her marriage and the facts concerning her husband's citizenship.

A copartnership or an association applicant shall file a certified copy of whatever written articles of association its members may have executed.

A corporation applicant shall file a certified copy of its articles of incorporation and to the extent reasonably ascertainable shall state the name, residence, and citizenship of and the amount of stock held by each stockholder, including the name of the country to which each alien stockholder owes allegiance. Where the corporation is not organized under the laws of the State or Territory embracing the lands affected, such corporations shall file a certificate by the proper officer of the State or Territory in which the lands are situated showing its authority to do business in such State or Territory.

(c) A description of the lands involved, if surveyed, according to legal subdivision, section, township, and range; if the lands are unsurveyed, a description by metes and bounds with a tie to a corner of the public land surveys if within two miles, otherwise the tie being made to some prominent topographic feature and the approximate latitude and longitude given when practicable; the approximate acreage of the lands described, which shall be restricted to the smallest area that can supply the desired materials consonant with proper conservation measures.

(d) The serial numbers of all other applications filed by the applicant under this act.

(e) A detailed statement as to the nature and quantity of each species or type of material currently desired, the purpose for which it is needed and

will be used, where it is to be used or disposed of, the amount of material estimated as being on the land, its unit value, when the taking could be commenced, and the period of time in which removal could be completed.

Section 259.7 Action on application. Upon the filing of any application in the district land office, the manager may reject any application which shall not be properly executed or is otherwise irregular. The Signing Officer, upon receipt of the application, may reject an application which is defective in any way or unsupported by an adequate and satisfactory showing, or may require defects to be cured or additional evidence to be provided.

Section 259.8 Publication and posting. When advertisement of the sale is approved by the Signing Officer and the appraised value of the material exceeds $1,000, notice must be published prior to the date of sale, at the expense of the government in a newspaper published in the county containing the material applied for. If the land is in two or more counties, notice may be published in any one of the counties. If no newspaper is published in such county or counties, then publication shall be made in a newspaper of general circulation in the vicinity of such land. If the paper designated is a daily, the notice must be published in the Wednesday issue for four consecutive weeks; if it is a weekly, in four consecutive issues; and if it is a semiweekly or triweekly, in the issue of the same day of each week, for four consecutive weeks.

The notice shall give the name and post office address of the applicant, the serial number and date of the application, description of the land, the nature and amount of material applied for, the appraised price thereof, the method of bidding, and the date of sale. It shall also state that bids of a sum less than the appraised price of the material will not be considered, and that the right to reject any or all bids is reserved. All bidders are warned against violation of the provisions of section 59 of the United States Criminal Code, approved March 4, 1909 (35 Stat. 1099; 18 U.S.C. 113), prohibiting unlawful combination or intimidation of bidders.

If the appraised value of the material is $1,000 or less and the material is not to be sold competitively, notice shall be posted on the land and a copy posted in the district land office. The Signing Officer may, however, provide such additional or other publication as he deems appropriate, including publication in a newspaper. Where the Signing Officer determines that a competitive sale of such material shall be ordered, publication shall be made in a newspaper at least once but not over four times, as the Signing Officer may provide.

A copy of any notice published under this section shall be posted by the manager in a conspicuous place in the district land office throughout the entire period of publication.

Section 259.9 Deposits with bids. A deposit must accompany bids for the purchase of the material in the amount of at least 20 percent of the amount bid when the bid is $1,000, or less; an additional 10 percent of that portion, if any, of the amount bid over $1,000 up to $10,000; an additional 5 percent of that portion, if any, of the amount bid over $10,000 up to $100,000; and an additional 3 percent of that portion, if any, of the amount bid in excess of $100,000. Every deposit must be made in cash, by money order, or by cashier's check or certified check on a solvent bank, drawn payable to the Treasurer of the United States. Deposits with bids are required, as a

guarantee of good faith, and when a bond is not required, the deposit of the successful bidder will be retained until the contract is completed. The deposit will be returned, provided the purchaser has faithfully performed the terms of the contract. If a bond is furnished and accepted, the deposit will be credited towards the first installment due in payment for the material. Deposits of unsuccessful bidders will be returned upon the award of the bid.

Section 259.10 Conditions precedent to execution of contract. If the high bidder is not the applicant, he must, within 30 days after he has been so declared, file with the manager evidence of the same qualifications as those required of an applicant.

In all sales in excess of $5,000, and in small sales when required, the successful bidder will, prior to the award of the material, submit a complete financial statement of his ability to fulfill the terms of the contract. Additional information with respect to the ability of the bidder to perform the contract, inclusive of data covering plant and equipment, etc., may be required, in the discretion of the Signing Officer, before execution of the contract.

If the evidence as to his ability to fulfill the terms of the contract is not sufficient to justify the award of the material to him, the bid may be rejected.

Section 259.11 Contract. If all be found regular, the Bureau of Land Management shall prepare a contract in quintuplicate1/ using form 4-054 for timber sale contracts and form 4-055 for contracts for the sale of other materials. In sales of materials, whether timber or other materials, the appraised value of which is $1,000 or less, form 4-058 shall be used instead of the longer form 4-054 or 4-055. The copies of the contract will be transmitted to the successful bidder, together with notice that he will be allowed 30 days from receipt of such notice within which to sign and return the contract.

Should the successful bidder fail to execute and submit the required contract and bond, or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under this Act.

Section 259.12 Bond. A bond for the faithful performance of the contract and the observance of the regulations in this Part, will be required. In sales in which the contract price of the material does not exceed $1,000, the deposit may be retained as a cash bond until the contract is completed. In all other sales, a bond of not less than 10 percent of the contract price will be required. The said bond must be that of a corporate surety shown on an approved list issued by the Treasury Department. Bonds hereunder will be executed on form 4-057. In any case, the Signing Officer may, within his discretion, accept a cash bond in place of a surety bond.

Section 259.13 Payment. In sales for not more than $1,000, payment may be required in full before removal of the material is started. In sales

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1/ Only four copies of the contract need be prepared where the contract specifically limits the amounts payable to the Government in any one fiscal year to $300 or less, since such contracts are not to be filed in the General Accounting Office.

of more than $1,000 but not over $10,000, payment shall be made in installments of not less than $1,000 each; in sales of over $10,000 but not over $25,000, in installments of not less than $2,500 each; and in sales of over $25,000 but not over $50,000, in installments of not less than $5,000 each; provided that the last installment on any sale may be in an amount equal to the balance due and payable thereon. In sales of over $50,000, the amount of the installments shall be determined at the time such sales are authorized; provided that the amount so fixed shall not be less than $5,000 for each installment.

On or before the time when the value, based on the contract price, of the material removed under the contract shall equal the total amount then paid by the purchaser, if the entire purchase price has not yet been paid, the purchaser shall make an additional advance payment, without prior request, in an amount equal to the next installment due, or the balance due, if less than the amount of such next installment.

Section 259.14 Lien. A lien for all payments which become due under the contract shall be reserved to the United States on all improvements, fixtures, and personal property of the purchaser on the lands and no improvements or fixtures may be removed from the lands unless all moneys due the United States have been paid.

Section 259.15 Recordation. The contract will be recorded by and at the expense of the purchaser in accordance with the applicable recordation statutes of the jurisdiction in which the land is situated, and evidence of such recordation will be furnished by the purchaser to the manager.

Section 259.16 Passage of title; risk of loss. The title to the material will not pass to the purchaser before payment and severance or extraction of such material. The purchaser shall be liable for the loss of any or all of the material sold under the contract which may be damaged or destroyed by fire or otherwise, before payment for and severance or extraction of the material, to the extent that the purchaser, his contractors or subcontractors, or the employees of any of them, are directly or indirectly responsible for such damage. If the material is so damaged or destroyed without fault on their part, the purchaser shall be accountable for the loss sustained to the extent that such loss is caused by his failure to sever, extract, or remove the damaged material as expeditiously as possible under the existing circumstances and the terms of the contract.

Section 259.17 Reappraisals. No reappraisals of materials under the contract will be made during the life of the contract if the term of the contract is for two years or less. If the term is for more than two years, prior to the commencement of the third and each subsequent year the material sold under the contract, but not yet severed or extracted, shall be appraised. If the unit value of such material is found upon reappraisal to exceed the unit contract price therefor, any such material severed or extracted subsequent to the beginning of the new contract year shall be charged and paid for at a unit price not to exceed the reappraised unit value. The reappraised unit price for any material may not be less than the original unit contract price therefor.

Notice of the reappraised prices to be fixed under the contract for the third and each succeeding year shall be sent, registered mail, by the Signing

Officer to the purchaser, not later than 10 days after the beginning of each of such years. Not later than 30 days after the receipt of such notice, the purchaser may submit his objections, if any, in writing to the Signing Officer. In the absence of such objection, or if the Signing Officer does not believe the objection sufficient and so advises the purchaser, the new price shall be in effect and govern the payments to be made for all material severed or extracted during the contract year.

Section 259.18 Assignments. The purchaser may not assign the contract or any interest therein without the consent of the Signing Officer. The proposed assignment shall be forwarded in quadruplicate within 90 days from the date of its execution to the manager of the proper district land office, and contain all the terms and conditions agreed upon by the parties thereto.

Section 259.19 Termination of contract. The Government may terminate a contract at the request of a purchaser if he shall make satisfactory showing that such termination will not adversely affect the public interest; that he has paid all charges due the Government thereunder; and that he had paid all wages and moneys due his employees for their operations under said contract.

Section 259.20 Extension of time. An application for an extension of time within which to comply with the terms of the contract may be considered upon a showing by the purchaser that his delay in complying with the contract terms has been caused by circumstances over which he had no control and that the granting of an extension will not prejudice the Government's interest. The application for extension must be made in writing not less than 90 nor more than 150 days prior to the expiration of the contract. Such extension must be approved by the Signing Officer who will also determine on what terms such extension may be granted. No extension will be granted unless a reappraisal of the material has been made.

Section 259.21 Removal of personalty upon termination of contract. Upon the expiration of a contract or the earlier termination thereof pursuant to section 259.19, the purchaser shall have the right at any time within one year therefrom or such extension thereof as may be granted by the Signing Officer within which to remove any equipment, machinery, improvements, or other personal property placed by him on the land, provided all moneys due the United States shall have been paid. All such personalty remaining on the land after the end of such period shall become the property of the United States.

Section 259.22 Default; suspension; cancellation; damages and expense incurred by Government chargeable to purchaser.

(a) Suspension of the purchaser's operations may be made by the Officer in charge, after due notice, if any requirements of the contract are disregarded, and until there is satisfactory compliance therewith.

(b) If the purchaser shall fail to comply with any of the provisions of the contract, the Signing Officer may serve the purchaser with written notice requiring performance thereof within 30 days under pain of cancellation and the forfeiture of the bond and all moneys paid. If the purchaser continues in default after said 30 days, said official may cancel his contract.

(c) The purchaser will be liable for damage resulting from the breach of contract, including, without limitation, depreciation in the value of the

material based upon a determination by the Government.

Section 259.23 Expiration of contract. The maximum periods which shall be allowed for the removal of material after the date of the contract, except as the contract may be extended in accordance with section 259.20, shall be as follows: In sales of material, the appraised value of which is $1,000 or less, one year; in larger sales, including sales of material, other than timber, the price of which is not more than $5,000, and in timber sales of an estimated stumpage volume of not more than 5,000,000 feet board measure, two years; in non-timber sales for over $5,000 but not more than $10,000, and timber sales of over 5,000,000 but not more than 7,500,000 feet board measure, three years; in non-timber sales for over $10,000 but not exceeding $25,000, and timber sales of over 7,500,000 but not more than 15,000,000 feet board measure, five years; and in non-timber sales for over $25,000 and timber sales involving over 15,000,000 feet board measure, the number of years to be fixed by the Signing Officer at the time such sales are authorized.

FREE USE

Section 259.24 Free use privilege; limitations. Any Federal, State, or Territorial agency, unit, or subdivision including municipalities, or any person, or any association or corporation not organized for profit, may be authorized to take and remove, without charge, materials subject to the act, for use other than for commercial or industrial purposes or resale. The permittee is granted a right to remove material while the permit remains in force, and in accordance with the provisions of the permit, as against a subsequent applicant who may wish to obtain the same material by purchase; but materials may not be removed by a permittee after the land has been included in a valid existing claim as set forth in the last paragraph of section 259.3.

Authority under other acts also exists for the free use of timber, under specified circumstances, (1) in certain states by settlers on public lands, citizens and bona fide residents of the state, and corporations doing business in the state (43 CFR, Part 284), and (2) in Alaska by actual settlers, residents, individual miners, prospectors for minerals, churches, hospitals, and charitable institutions (43 CFR, Part 79). Free use timber applications may be considered under the act, rather than under the statutes and regulations mentioned, only when the applicants cannot qualify under such statutes and regulations, as in the case of Alaskan non-profit associations and corporations which are not engaged in church, hospital, or charitable activities.

The material applied for must be for the applicant's own use and only one permit for such use may be issued in any one year. The disposal of timber of a stumpage value over $25 to an applicant for a free-use permit will ordinarily not be authorized within any twelve month period unless it appears that the cutting and removal of the timber is in the interest of the Government, as where the application is made for dead, down, or other low value timber whose removal would reduce the fire hazard, improve the stand, or serve other salvage or improvement purposes. The maximum value of any material which may be removed under permit in any twelve month period by an applicant or for his use may in no case exceed $200.

Free use permits will not be issued where the applicant owns or controls an adequate supply of the material to meet his needs. The material removed,

moreover, may not be bartered or sold.

Section 259.25 Application for permit. An application for permit, in triplicate, must be made on form 4-056 and filed in the appropriate district land office or with an employee of the Bureau of Land Management authorized to issue such permit.

Section 259.26 Issuance and cancellation of permit; removal of material; bond. The permit shall be issued in the form of an endorsement upon the application with date of issuance, and a copy shall be sent promptly to the applicant. The provisions under which the selection, removal, and use of the material shall be governed, if any, shall be incorporated in the approval of the permit. The failure by the permittee, to observe such stipulations, or the appropriate regulations in this Part, may result in cancellation of the permit and bar him from securing other permits. The permit may also be canceled if it appears that the permit was erroneously issued, as where no disposition may be made of the materials on the lands in question, as provided in Section 259.1.

No material shall be removed until the permit is issued. A bond may be required conditioned upon faithful performance of the provisions of the permit and applicable regulations.

Section 259.27 Removal by agent. An applicant granted a free use permit may procure the materials by agent, if desired. Such agent, shall not, however, be paid more than a fair recompense for the time, labor, and money expended in procuring the material and processing it, and no charge shall be made for the material itself. The said compensation must be set forth in a written contract to be entered into by the parties, and a copy thereof must be filed with the application. No part of the material may be used in payment for services in obtaining or processing it.

Section 259.28 Termination of permit; extensions; notice of completion of removal operations. All rights and privileges under a permit shall terminate at the expiration of the period of one year from the date of the approval of the permit or the date to which the permit has been extended. A year's extension may be granted, in the discretion of the Regional Administrator.

Upon completion of the removal, the permittee must notify the manager, stating when the work was completed and the terms of the permit fulfilled, the land from which the material was taken, the amount and kind of material which was removed, and the use to which the material was put.

GENERAL

Section 259.29 Appeals. A party aggrieved by any official action regarding his application, contract, or protest, may appeal from any decision of the manager or other subordinate official to the Regional Administrator,

from the latter's decision to the Director of the Bureau of Land Management, and from the Director's decision to the Secretary of the Interior, pursuant to the Rules of Practice, 43 CFR, Part 221.

(Sgd) Fred W. Johnson,
Director.

Approved: January 30, 1948

(Sgd) Mastin G. White,
Acting Assistant Secretary.

32413

Circular No. 1671

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Amended by Circ. 1716

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

SUBCHAPTER B--APPLICATIONS AND ENTRIES

PART 101--GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES.

The following new section is added to Part 101:

APPLICATIONS FOR LANDS CONTAINING RANGE IMPROVEMENTS

Section 101.20 Action on Applications. When applications under the public land laws for lands upon which range improvements have been placed by the United States pursuant to the authority of section 10 of the Taylor Grazing Act, June 28, 1934 (48 Stat. 1269, 1273; 43 U.S.C. 315i) as amended, are filed in a district land office or other authorized office of the Bureau of Land Management they should be referred to the appropriate official for determination as to whether the application may be allowed, notwithstanding such improvements, and if so, with or without a reservation. No rights are acquired to such lands merely by the filing of an application since any parts of the legal subdivisions thus improved are considered appropriated within the meaning of sections 7, 8, and 14 of the Taylor Grazing Act. See 84 F. 2d 232 and 44 L.D. 359, 513. (R.S. 453, 2478; 43 U.S.C. 2, 1201).

(Sgd) Fred W. Johnson

Director.

Approved: January 30, 1948

(Sgd) Mastin G. White

Acting Assistant Secretary of the Interior.

33253

Potassium Leases

Office Copy

Circular No. 1672

See Circ 1840

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Replaced by Circular 1909 (11/58)

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 194 - POTASSIUM PERMITS AND LEASES

Section 194.24 is amended by eliminating section 3(d) of the lease form therein contained. (Sec. 32, 41 Stat. 450; 30 U.S.C. 189).

(Sgd) Fred W. Johnson

Director

Approved: January 29, 1948

(Sgd) Oscar L. Chapman

Under Secretary of the Interior.

33252

2128412

Circular No. 1673

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 199 - MINERALS SUBJECT TO LEASE UNDER SPECIAL LAWS 1/

MINERAL LEASES IN LANDS PATENTED FOR PARK OR OTHER PUBLIC PURPOSES

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199.40 Statutory authority.
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199.46 Operating regulations.
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2. Minerals other than Oil, Gas, Coal, Potassium, Sodium and Phosphate

199.49 Leasing unit.
199.50 Acreage Limitation.
199.51 Royalty and rentals.
199.52 Qualifications of applicants.
199.53 Filing of application.
199.54 Form and contents of application.
199.55 Term of lease.
199.56 Form of lease.

AUTHORITY: Sections 199.40 to 199.56, inclusive, issued under 47 Stat. 1487; 49 Stat. 1482, 2026.

1/ This head is substituted for that given for Part 199 in Circular 1622, October 23, 1946.

MINERAL LEASES IN LANDS PATENTED FOR PARK OR OTHER PUBLIC PURPOSES.

1. General Provisions

Section 199.40 Statutory authority. The act of March 3, 1933 (47 Stat. 1487), as amended by the act of June 5, 1936 (49 Stat. 1482) and the act of June 29, 1936 (49 Stat. 2026), authorizes the Secretary of the Interior to dispose of the reserved minerals in the lands patented to the State of California pursuant thereto, at such times and under such conditions as he may prescribe, and sections 199.40-199.56 are promulgated for the purpose of permitting the disposal of the mineral deposits in such lands.

Section 199.41 Lands to which applicable. Sections 199.40-199.56 apply to the lands patented to the State of California for park purposes 2/.

Section 199.42 Minerals to be leased. All disposal of minerals within the reserved areas covered by sections 199.40-199.56 shall be by lease.

Section 199.43 Notice to the owner of the surface. The Manager of the District Land Office will notify the surface owner or his authorized representative of each application received and will suspend the application pending receipt of a report as to any special stipulations to be incorporated in the lease. Notice of any proposed offer of lands for lease will also be given to the surface owner prior to publication thereof. Should the surface owner object to the leasing of any tract for reasons determined by the Secretary to be satisfactory the application will be rejected or the offer of the land for lease will be withheld.

Section 199.44 Protection of surface. All leases issued pursuant to sections 199.40-199.56 shall be conditioned upon compliance by the lessee with all of the laws or rules and regulations of the surface owner for the safeguarding and protection of the plant life, scenic features and park or recreational improvements on the land, not inconsistent with the terms of the lease or sections 199.40-199.56. The lease shall also provide that any mining work performed upon the lease shall be located consistent with any requirements of the owner of the surface necessary to the protection of the surface rights and uses and so conducted as to result in the least possible injury to plant life, scenic features and improvements and that, upon completion of the mining operation, all excavations, including wells, shall be closed and the property be conditioned for abandonment to the satisfaction of the surface owner. The lease shall further provide that any use of the lands for ingress to and egress from the mine for all necessary purposes shall be on a route to be first approved by the surface owner or his duly authorized representative.

Section 199.45 Bonds. Each lessee will be required to furnish a bond in such sum as may be determined adequate, in no case less than $1,000, to insure compliance with the terms of the lease and for the protection of the surface owner.

2/ A list of the patented lands may be obtained from the Manager of the District Land Office, Los Angeles, California.

Section 199.46 Operating regulations. All lessees will be required to operate under the applicable operating regulations of this Department.3/

Section 199.47 Existing regulations applied to leases of oil, gas, coal, potassium, sodium and phosphate. The regulations contained in parts 191 and 192 of this title to the extent that they are applicable and not inconsistent with sections 199.40-199.56 shall govern oil and gas leases issued hereunder. In like manner the regulations in Parts 191 and 193, 191 and 194, 191 and 195, and 191 and 196 so far as applicable shall govern the leasing respectively of coal, potassium, sodium and phosphate with the area.

Section 199.48 Form of leases. Oil and gas leases will be issued on Form 4.213 with such changes in language as may be required to comply with sections 199.40-199.56 and the rentals and royalties payable thereunder will be set forth in Schedule A as to noncompetitive leases and Schedule B as to competitive leases which schedules will be attached to the lease and made a part thereof. Leases for the other minerals named in the preceding section will be upon the forms prescribed for the leasing of such minerals under the mineral leasing act of February 25, 1920 (41 Stat. 437, 30 U.S.C. 181 et seq.), as amended and supplemented, with necessary deletions and additions conformable to sections 199.40-199.56.

2. Minerals other than Oil, Gas, Coal, Potassium, Sodium and Phosphate.

Section 199.49 Leasing Units. A leasing unit in any case shall consist of such area of land as shall be determined by the Secretary to constitute an economic working unit based upon the quantity of the leased mineral in the land, the available market therefor and such other factors as he may determine to be material.

Section 199.50 Acreage Limitation. In no case shall more than 2,560 acres be leased to any one person, association or corporation. Every applicant for a lease under sections 199.49 to 199.56 must show that, with the area applied for, his or its direct or indirect interests in such leases and other applications therefore, will not exceed in the aggregate 2,560 acres.

Section 199.51 Royalty and rentals. The rate of royalty will be fixed prior to the issuance of the lease, but in no case will the royalty rate be less than two per centum of the quantity or gross value of the output of the leased mineral at the point of shipment to market.

Rental for the first year must be paid prior to issuance of the lease at the rate of 25 cents per acre or fraction thereof and thereafter annually in advance at the rate of $1 per acre or fraction of an acre, such rental to be credited against royalties accruing for the year for which paid.

3/ The operating regulations are contained in Title 30 CFR, those applicable to coal in Part 211, to oil in Part 221, and to potash, oil shale, sodium and phosphate, sulphur, gold, silver and quick silver in Part 231. Leases for minerals not listed in the preceding sentence will be governed by the operating regulations in 30 CFR Part 231.

Section 199.52 Qualifications of applicants. Leases may be issued to (a) citizens of the United States, (b) associations of such citizens, or (c) corporations organized under the laws of the United States or of any State or Territory thereof, provided as to corporations, that no appreciable amount of the stock is held by citizens of countries which do not permit similar or like privileges to citizens of the United States.

Section 199.53 Filing of application. Applications must be accompanied by a minimum fee of $10 for each application embracing not more than 800 acres and an additional fee of $2 for each 160 acres or fraction thereof over 800 acres, and be filed in the appropriate district land office, addressed to the Director of the Bureau of Land Management.

Section 199.54 Form and contents of application. 4/ No specific form of application is required, but it should cover, in substance, the following points, namely:

(a) Applicant's name and address.

(b) Proof of citizenship of applicant; by statement of such fact if native born; or, if naturalized, by statement giving the date of naturalization, court in which naturalized, and number of certificate if known; if a corporation, by certified copy of the articles of incorporation thereof, and showing as to residence and citizenship of its stockholders.

(c) A statement of all holdings by the applicant of leases under sections 199.40-199.56, pending applications therefor and interests, directly or indirectly, held in such leases.

(d) Description of the land for which the lease is desired, by legal subdivisions, a statement as to whether the land is occupied or is being used, the nature and extent of such occupation and use and of any improvements on the land.

(e) Proposed method of conducting exploratory operations, the estimated duration of such exploration and the extent that operations are likely to interfere with the use of the land for the purposes for which it was granted.

Section 199.55 Term of lease. Leases will be issued for a period of five years and, in the discretion of the Secretary upon application of the lessee filed within the 90-day period immediately preceding the expiration date of the lease, may be renewed at the expiration thereof for additional periods of five years each, on such reasonable terms as he may prescribe at the time of such renewal.

4/ Title 18 U.S.C. 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

Section 199.56 Form of Lease. Leases will be issued on Form 4-244.

(signed) Fred W. Johnson

Director.

Approved: March 18, 1948

(Signed) Mastin G. White

Acting Assistant Secretary of the Interior.

42183

Circular No. 1674

Still in effect 5/20/54 KB.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

See Circ.

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 102--AGRICULTURAL ENTRIES ON MINERAL LANDS

Authority: Sections 102.34 to 102.38, inclusive, issued under 41 Stat. 450, 30 U.S.C. 189; R.S. 453, 2478; 43 U.S.C. 2, 1201.

The following text is substituted for Sections 102.34 — 102.42, inclusive:

102.34 Disposition of surface discretionary as to lands embraced in mineral permits and leases or classified, withdrawn, or reported as valuable for any mineral subject to lease. Section 29 of the Mineral Leasing Act of February 25, 1920 (41 Stat. 449; 30 U.S.C. 186) and the Act of March 4, 1933 (47 Stat. 1570; 30 U.S.C. 124) grant the Secretary of the Interior complete discretion to determine whether the surface of public lands embraced in mineral permits or leases, or in applications for such permits or leases, or classified, withdrawn, or reported as valuable for any leasable mineral, or lying within the geologic structure of a field, should be disposed of. Accordingly, where a nonmineral application is filed, in the continental United States,[1] for any of such described lands, the nonmineral application may be allowed only if it is determined by the Director, Bureau of Land Management, with the concurrence of the Director, Geological Survey, that the disposal of the lands under the nonmineral application will not unreasonably interfere with current or contemplated operations under the Mineral Leasing Acts. Appeals from any decision of the Director, Bureau of Land Management, may be taken to the Secretary by any affected party in accordance with the Rules of Practice (43 CFR Part 221).

102.35 Definition of Prior Mineral Claim. As used in Sections 102.36 to 102.38, inclusive, of this Title, a mineral claim is "prior" where an application for a mineral permit or

1/ Sections 102.34 to 102.38, inclusive, apply to all public land States, including, though not limited to, those States which are specifically excepted by statute from the operation of the mining laws, but which are covered by the Mineral Leasing Act of February 25, 1920 (41 Stat. 437, 30 U.S.C. 181)/48 L.D. 629, Apr. 8, 1922/. Sections 102.34 to 102.38 do not apply, however, to public domain lands in Alaska, which are governed by Section 66.2 of this Title.

lease has been filed before either the filing of a complete nonmineral application for part or all of the same land, or before the classification of that land for the purposes requested by that nonmineral applicant, provided that the nonmineral application is not either for

(a) a State exchange under Section 8 of the Taylor Grazing Act (48 Stat. 1269; 43 U.S.C. 315g), as amended, filed prior to such mineral claim; or
(b) a reclamation homestead under the Reclamation Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. sec. 372 et seq.) for lands applied for by a mineral claimant under the Leasing Act after withdrawal for reclamation purposes.

102.36 Notation in notice of allowance of non-mineral application. Wherever the mineral claim is "prior", the following notation will be made in the notice of allowance of the nonmineral application, as well as on the original copy of that nonmineral application:

"This land is subject to the right of any prior mineral permittee or lessee, or of any prior applicant for a mineral permit or lease, to occupy and use so much of the surface of the lands as may be reasonably required for mineral leasing operations, without liability to the non-mineral entryman or patentee for crop and improvement damages resulting from such mineral activity."

102.37 Notation on final certificate and patent. Wherever a nonmineral application, which is affected by the notation described in Section 102.36 of this Title, proceeds to issuance of final certificate and patent, and at the time of such issuance there is outstanding a mineral lease, permit, or application therefor, based on a "prior" mineral claim, such final certificate and patent will indicate that they are subject to the Act of March 4, 1933 (47 Stat. 1570; 30 U.S.C. sec. 124).

Such final certificate and patent will indicate that they are also subject to the provisions and limitations of Section 29, Act of February 25, 1920 (41 Stat. 449; 30 U.S.C. 186), if, when the final certificate or patent issues, there is outstanding a mineral lease or permit based on a "prior" mineral claim.

102.38 Compensation for damages by mineral claimant. In any case where there is no "prior" mineral claim, any person obtaining authority to prospect for, mine or remove the reserved mineral deposits will be liable to the entryman, selector or patentee of the surface for any damages to crops or improvements which may result from his prospecting or mining operations on the land.

(Sgd.) Fred W. Johnson

Director.

Approved: MAR 16 1948

(Sgd) Mastin G. White

Acting Assistant Secretary of the Interior.

35263

L-1

Circular No. 1675

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

See Circ. 1704

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

SUBCHAPTER A--ALASKA

PART 66--HOMESTEADS ON COAL, OIL, AND GAS LANDS

Section 66.2 is amended by substituting the following for the first sentence thereof:

"Applications to make homestead entry for land embraced in a coal, oil, or gas permit or lease, should be suspended and forwarded to the Bureau of Land Management for consideration and instruction."

(R.S. 453, 2478; 43 U.S.C. 2, 1201)

(Sgd) Fred W. Johnson

Director.

Approved March 16, 1948

(Sgd) Mastin G. White

Acting Assistant Secretary of the Interior.

35262

L-1

Still in effect 5/28/54 BAB.

Circular No. 1676

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 285--TIMBER AND STONE ENTRIES

Section 285.1 is amended by substituting the following for the second paragraph thereof:

"Applications for timber and stone entries are considered to be "nonmineral applications." They are, therefore, subject to the provisions of Sections 102.34 to 102.38, inclusive, of this Chapter, which deals generally with the filing of nonmineral applications for lands embraced in mineral leases or permits or applications therefor." (Sec. 3, 20 Stat. 90; 43 U.S.C. 313)

(Sgd) Fred W. Johnson

Director.

Approved: March 16, 1948

(Sgd) Mastin G. White

Acting Assistant Secretary of the Interior.

35259

Office Copy

BUREAU OF LAND MANAGEMENT
DISTRICT LAND
MAY 14 1948
OFFICE
BILLINGS, MONTANA

Circular No. 1677

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Absolete

CODE OF FEDERAL REGULATIONS
TITLE 32—NATIONAL DEFENSE

CHAPTER XXV—DEPARTMENT OF THE INTERIOR
DISPOSAL OF SURPLUS PROPERTY

The functions of the Bureau of Land Management as a disposal agency of the War Assets Administration having been terminated as of November 15, 1947 (32 CFR, Part 8301, Reg. 1, Amdt. 1, War Assets Administration, November 6, 1947, 12 F.R. 7810), the regulations contained in the following Parts of Chapter XXV, Title 32, of the Code of Federal Regulations (Circulars Nos. 1618, June 25, 1946 and 1627, November 6, 1946), are revoked:

Part 9000—Disposal of Surplus Real Property

Part 9001—Redelegation of Authority with Respect to the Disposal of Surplus Real Property by the Bureau of Land Management

(Sgd) Thos. C. Havell
Assistant Director

Approved: April 19, 1948

(Sgd) C. Girard Davidson

Assistant Secretary of the Interior

Distribution

L-1
37645

Circular No. 1678

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

Obsolete - See Cir. 1807

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 160--GRAZING LEASES

Section 160.7 and 160.14 (Circular 1659, approved October 20, 1947) are hereby amended to read as follows:

160.7 - Filing Fees. Commencing May 1, 1948, no fee shall be charged for filing an application for a grazing lease. If a lease is issued on or after that date on any application theretofore filed, any amount paid as a filing fee will be credited as lease rental. (Section 15, 48 Stat. 1275; Section 5, 49 Stat. 1978; 43 U.S.C. 315m)

160.14 Rental. On each new or renewal lease issued on or after May 1, 1948, the lessee shall pay to the District Land Office specified in the lease, in accordance with the terms thereof, an annual rental computed in conformity with the following rate tabulations, unless for sufficient reasons a different rate is authorized:

GRAZING RENTAL RATE TABULATION

Estimated Grazing Capacity in Acres per Animal Unit Month	Estimated Grazing Capacity in Animal Units Yearlong per Section	Yearly Lease Rate per Acre.
107.00	0.5	$0.001
53.00	1.0	0.002
38.00	1.5	0.003
25.00	2.0	0.004
20.00	2.5	0.005
18.00	3.0	0.006
16.00	3.5	0.007
14.00	4.0	0.008
12.00	4.5	0.009
11.00	5.0	0.010
10.00	6.0	0.012
7.50	7.0	0.014
6.50	8.0	0.017
6.00	9.0	0.019
5.50	10.0	0.020
5.00	11.0	0.023
4.50	12.0	0.025

Estimated Grazing Capacity in Acres per Animal Unit Month	Estimated Grazing Capacity in Animal Units Yearlong per Section	Yearly Lease Rate per Acre.
4.00	13.0	$0.027
3.75	14.0	0.029
3.50	15.0	0.030
3.25	16.0	0.033
3.00	17.0	0.035
2.75	19.0	0.040
2.50	21.0	0.045
2.25	24.0	0.050
2.00	27.0	0.055
1.75	30.0	0.065
1.50	36.0	0.075
1.25	43.0	0.090
1.00	53.0	0.110
0.50	107.0	0.220
0.25	213.0	0.440

One cow or one horse or five sheep or five goats constitute one animal unit. The rental charge will not in any case be fixed at less than $1 per annum. The rental may be adjusted at the end of the third year of the lease and at the end of each three-year period thereafter. (Section 15, 48 Stat. 1275; Section 5, 49 Stat. 1978; 43 U.S.C. 315m)

(Sgd) Marion Clawson,

Director.

APPROVED: May 5, 1948

(Sgd) C. Girard Davidson,

Assistant Secretary of the Interior.

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L-1

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BUREAU OF LAND MANAGEMENT
DISTRICT LAND
JUN 1 - 1948
OFFICE
BILLINGS, MONTANA

Circular No. 1679

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER I--BUREAU OF LAND MANAGEMENT

SUBCHAPTER A--ALASKA

PART 67--INDIANS AND ESKIMOS

Section 67.19 relating to reservations for Indians and Eskimos, in Alaska, is amended by adding thereto a paragraph reading as follows:

The Act of May 31, 1938 (52 Stat. 593; 48 U.S.C. 353a), authorizes the Secretary of the Interior in his discretion to withdraw, subject to any valid existing rights, and permanently reserve, small tracts of not to exceed 640 acres each of the public domain in Alaska, for schools, hospitals, and such other purposes as may be necessary in administering the affairs of the Indians, Eskimos, and Aleuts of Alaska.

(R.S. 453, 2478; 43 U.S.C. 2, 1201)

(Sgd) Thos. C. Havell

Assistant Director.

Approved: May 14, 1948

(Sgd) Oscar L. Chapman

Acting Secretary of the Interior

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L-1

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39673

Circular No. 1680

BUREAU OF LAND MANAGEMENT
DISTRICT LAND
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DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Still in effect 5/26/54 IBR.

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER I--BUREAU OF LAND MANAGEMENT
SUBCHAPTER A--ALASKA
PART 74--RIGHTS-OF-WAY

Also see Circ. 1806 for 74.28-74.33

Section 74.27, relating to rights-of-way for roadways in Alaska is amended by adding thereto a paragraph reading as follows:

The Act of July 24, 1947 (61 Stat.418, 48 U.S.C. 321d) amended the Act of June 30, 1932 (47 Stat.446) by adding at the end thereof a new section, as follows:

"Sec. 5. In all patents for lands hereafter taken up, entered, or located in the Territory of Alaska, and in all deeds by the United States hereafter conveying any lands to which it may have reacquired title in said Territory not included within the limits of any organized municipality, there shall be expressed that there is reserved, from the lands described in said patent or deed, a right-of-way thereon for roads, roadways, highways, tramways, trails, bridges, and appurtenant structures constructed or to be constructed by or under the authority of the United States or of any State created out of the Territory of Alaska. When a right-of-way reserved under the provisions of this Act is utilized by the United States or under its authority, the head of the agency in charge of such utilization is authorized to determine and make payment for the value of the crops thereon if not harvested by the owner, and for the value of any improvements, or for the cost of removing them to another site, if less than their value."

(R.S. 453, 2478;43 U.S.C. 2, 1201)

(Sgd) Marion Clawson
Director.

Approved: May 26, 1948
(Sgd) J. A. Krug
Secretary of the Interior.

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L-1

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Circular No. 1681

Replaced by Cir. 1785

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

BUREAU OF LAND MANAGEMENT DISTRICT LAND OFFICE AUG 19 1948 OFFICE BILLINGS, MONTANA

Obsolete

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

AUTHORITY: Issued under the act of April 8, 1948 (62 Stat. 162); R.S. 453, 2478, 43 U.S.C. 2, 1201.

The following amendments in Chapter I are made in order to show changes authorized under the act of April 8, 1948 (62 Stat. 162).

A new Cross Reference is added to Part 115, as follows:

Mining locations on the revested and reconveyed lands: See Sections 185.37a - 185.37e.

A new paragraph is added to footnote 22, Section 185.1, as follows:

Revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands, located in Oregon, are subject to mining location in accordance with provisions of Sections, 185.37a - 185.37e.

The following center head and sections are added to Part 185:

MINERAL LOCATIONS IN REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS

Section 185.37a. General Provisions. The act of April 8, 1948 (62 Stat. 162) reopens the revested Oregon and California Railroad and Reconveyed Coos Bay Wagon Road Grant Lands (hereinafter referred to in this section as the O. and C. lands) in Oregon, except powersites, to exploration, location, entry and disposition under the United States Mining Laws. The act also validated mineral claims, if otherwise valid, located on the O. and C. lands during the period from August 28, 1937, to April 8, 1948.

The procedure in the locating of mining claims, performance of annual labor and the prosecution of mineral patent proceedings in connection with O. and C. lands is the same as provided by the United States Mining Laws and the general regulations in Part 185, and is also subject to the additional conditions and requirements hereinafter set forth.

Section 185.37b. Requirements for filing notices of locations of claims; descriptions. Where prior to April 8, 1948, a mining claim has been located upon O. and C. lands, the owner thereof must file for record, not later than October 5, 1948, in the District Land Office of the land district in which the

claim is situated, a copy of the notice of location of the claim. With respect to all mining claims located on O. and C. lands on or after April 8, 1948, the owner thereof must file for record, within 60 days of the date of such mining location, in the appropriate District Land Office, a copy of the notice of location of the claim.

If the location affects surveyed lands and the copy of location notice does not describe those legal subdivisions, section, township and range partly or wholly covered by the mining claim, the copy must be accompanied by a statement of the owner of the claim describing the legal subdivisions affected.

If the location affects unsurveyed lands and the copy of location notice does not show the land described therein connected by course and distance to the nearest corner of the public land surveys and does not give the probable legal subdivisions affected if the lands were surveyed, the copy must be accompanied by a statement of the owner of the claim giving that information or satisfactory reasons for not doing so.

The name and address of each owner of the claim should be furnished with the other data required by this section.

Section 187.37c. Requirement for filing Statements of assessment work. The owner of any unpatented mining claim located upon O. and C. lands must also file for record in the District Land Office in which the claim is situated, within 60 days after the expiration of any annual assessment year, a statement under oath, as to the assessment work done or improvements made during the previous assessment year, or, as to compliance in lieu thereof, with any applicable relief act.

Section 187.37d. Restriction on use of timber; application for such use. The owner of any unpatented mining claim located upon O. and C. lands on or after August 28, 1937, shall not acquire title, possessory or otherwise, to the timber, now or hereafter growing upon such claim. Such timber may be managed and disposed of under existing law or as may be provided by subsequent law. The owner of such unpatented mining claim, until such time as the timber is otherwise disposed of by the United States, if he wishes to cut and use so much of the timber upon his claim as may be necessary in the development and operation of his mine, shall file a written application with the District Forester for permission to do so. The application shall set forth the estimated quantity and kind of timber desired and the use to which it will be put. The applicant shall not cut any of the timber prior to the approval of the application therefor.

Section 187.37e. Applications for final certificates and patents. Applications for patents and final certificates in connection with mining claims located upon O. and C. lands on or after August 28, 1937 must be noted "Mining claims on O. and C. lands, under the act of April 8, 1948." All patents issued on such claims located on or after August 28, 1937, shall contain an appropriate reference to the act of April 8, 1948, and shall indicate that the patent is issued subject to the conditions and limitations of the act.

Cross Reference: Other regulations governing the revested and reconveyed lands: See Part 115.

(Sgd) Marion Clawson,
Director.

Approved: July 27, 1948
(Sgd) C. Girard Davidson,
Assistant Secretary of the Interior.

42499

39674

Circular No. 1682

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Obsolete Replaced by Circ 1825

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 244 - RIGHTS OF WAY FOR CANALS, DITCHES, RESERVOIRS, WATER PIPE PIPE LINES, TELEPHONE AND TELEGRAPH LINES, TRAMROADS, ROADS AND HIGHWAYS, OIL AND GAS PIPE LINES, ETC.

RIGHTS-OF-WAY THROUGH PUBLIC LANDS AND RESERVATIONS FOR OIL AND NATURAL GAS PIPE LINES AND PUMPING PLANT SITES.

Section 244.50 is amended to read as follows:

244.50 Use of pipe line. The applicant shall state in the application the specific use, within the purview of the act, to which the pipe line is to be put, and any approval of the right-of-way shall be limited to such use, unless otherwise stated in the approval. No change in the use of the pipe lines from that authorized by the approval of the right-of-way shall be allowed except as follows:

(a) In case of pipe lines engaged in interstate transportation, a change may be made only with approval in writing first obtained from the Director, Bureau of Land Management, and upon such terms and conditions as the Director may prescribe as a prerequisite to the approval of the change of use.

(b) In case of pipe lines engaged solely in intrastate transportation, a change may be made by the grantee in the use of the pipe line for the transportation of products within the purview of the act, from that specified in the approval of the right-of-way, provided, written notice of such change is filed with the Director, Bureau of Land Management, not less than 15 days in advance of the actual change of use. Such notice must be accompanied by a showing as to whether the change in use is to be temporary or permanent, and, a statement that such change will not result in any hardship or injustice to persons operating under Federal leases who may be dependent on the pipe line as the means of transportation of their products to existing markets, and must be accompanied by the consent in writing of such lessees to the change of use.

(Sec. 28, 49 Stat. 678; 30 U.S.C. 185)

(Sgd) Marion Clawson
Director

Approved: May 25, 1948
(Sgd) Mastin G. White
Acting Assistant Secretary of the Interior.

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L-1

Circular No. 1683

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 101--GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES

APPLICATIONS IN CONFLICT WITH RESERVOIR SITES

Sec. 101.7 is amended to read as follows:

101.7 Nature of grant for reservoir sites; disposition of applications conflicting with such a grant. The grant for reservoir sites made by sections 18 to 21, inclusive, of the act of March 3, 1891 (26 Stat. 1101, 1102; 43 U.S.C. 946-949), is an easement only, and not a fee. See section 244.19, Cum. Supp., of this Chapter. The act of May 21, 1930 (46 Stat. 373; 30 U.S.C. secs. 301-306), authorizes the leasing of oil and gas deposits in lands covered by such a grant, under certain conditions, to the right-of-way grantee, or his or its successor in interest, as provided in sections 200.80-200.87, inclusive, of this Chapter (Circ. 1657, October 10, 1947).

An application other than for oil and gas which includes one or more legal subdivisions entirely within the grant of an easement for a reservoir site will be rejected as to such subdivisions. If the application covers legal subdivisions partially within such a grant, it may be allowed as to such subdivisions, in the absence of other objection, subject to the easement.

(R.S. 453, 2478; 43 U.S.C. 2, 1201)

(Sgd) Marion Clawson

Director.

Approved: June 4, 1948

(Sgd) Mastin G. White

Acting Assistant Secretary of the Interior

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40101

Circular No. 1684

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UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

SUBCHAPTER A--ALASKA

PART 77--SHORE-SPACE

REGULATIONS GOVERNING SHORE-SPACE RESTRICTION, RESERVATION AND RESTORATION

Sec.

77.1 Statutory authority
77.2 Navigable or other waters defined
77.3 Entries and claims affected by shore-space restrictions and reservations
77.4 Restriction as to length of claims; method of measuring length of shore space
77.5 Reservation between claims
77.6 Surveys involving shore-space
77.7 Statutory authority
77.8 Form of petition for restoration; preference right
77.9 Description of land in petition
77.10 Showing required in petition
77.11 Application to make entry in conflict with shore space reserve

AUTHORITY: Secs. 77.1 to 77.11, inclusive, issued under R. S. 453, 2478; 43 U.S.C. 2, 1201.

REGULATIONS GOVERNING SHORE-SPACE RESTRICTION, RESERVATION AND RESTORATION

1. SHORE SPACE RESTRICTION AND RESERVATION

Section 77.1 Statutory authority. Section 1 of the act of May 14, 1898 (30 Stat. 409), as amended by the act of March 3, 1903 (32 Stat. 1028; 48 U.S.C. 371, 462), provides among other things, that no location or scrip, selection, or right along any navigable or other waters shall be made within the distance of 80 rods of any lands, along such waters, theretofore located by means of any such scrip or otherwise and that no entry shall be allowed extending more than 160 rods along the shore of any navigable water, and along such shore a space of at least 80 rods shall be reserved from entry between all such claims. However, under section 10 of the act of May 14, 1898 (30 Stat. 413, 48 U.S.C. 462) the Secretary of the Interior may grant the use of such shore space reserves for landings and wharves. See 43 CFR Part 68.

Section 10 of the act of May 14, 1898, as amended by the acts of March 3, 1927 (44 Stat. 1364) and May 26, 1934 (48 Stat. 809; 48 U.S.C. 462, 461, 411), provides among other things, that no entry shall be allowed for trade and manufacturing sites, homesites and headquarter sites, and rights of way for railroad terminals and junction points, on lands abutting on navigable waters for more than 80 rods.

77.2 Navigable or other waters defined. The term "navigable waters" is defined in section 2 of the act of May 14, 1898 (30 Stat. 409; 48 U.S.C. 411), "to include all tidal waters up to the line of ordinary high tide and all nontidal waters navigable in fact up to the line of ordinary highwater mark." The words "or other waters" as used in section 1 of the act, are held to include all waters of sufficient magnitude to require meandering under the Manual of Surveying Instructions, or which are used as a passageway or for spawning purposes by salmon or other seagoing fish.

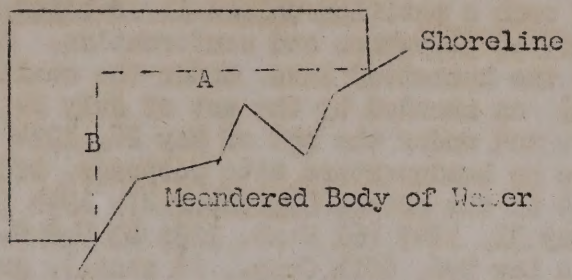
77.3 Entries and claims affected by shore-space reservations and restrictions. Claims, including homestead settlements and entries, other than in national forests (see act of June 5, 1920, 41 Stat. 1059, 48 U.S.C. 372), allotments to Indians and Eskimos which are considered as homesteads, soldiers' additional entries, trade and manufacturing sites, homesites and headquarter sites under 43 CFR, Part 64, and school-indemnity selections, but not including mission sites (44 L.D. 83) or mining claims (43 L.D. 120), may not be made in Alaska, within a distance of 80 rods (one-quarter of a mile) of any such claim, entry, or selection theretofore located along any navigable waters. In addition, a soldiers' additional entry or school-indemnity selection may not be made in Alaska within a distance of 80 rods of any lands along any navigable or other waters theretofore located as such entry, selection or otherwise.

Trade and manufacturing sites, and rights of way for terminals and junction points under the act of May 14, 1898, may not extend more than 80 rods along the shore of any navigable water, and homesites and headquarter sites under 43 CFR, Part 64, which must be reasonably compact in form, may not extend as much as 80 rods along such shore. All other claims subject to the restrictions of the preceding paragraph may not extend more than 160 rods along the shore of any navigable water.

77.4 Restriction as to length of claims; method of measuring length of shore space. In the consideration of applications to enter lands shown upon plats of public surveys in Alaska, as abutting upon navigable waters, the restriction as to length of claims shall be determined as follows: The length of the water front of a subdivision will be considered as represented by the longest straight line distance between the shore corners of the tract, measured along lines parallel to the boundaries of the subdivision; and the sum of the distances of each subdivision of the application abutting on the water, so determined, shall be considered as the total shore length of the application. Where, so measured, the excess of shore length is greater than the deficiency would be if an end tract or tracts were eliminated, such tract or tracts shall be excluded, otherwise the application may be allowed if in other respects proper.

The same method of measuring shore space will be used in the case of special surveys, where legal subdivisions of the public lands are not involved.

The following sketch shows the method of measuring the length of shore space, the length of line "A" or line "B", whichever is the longer, representing the length of shore space which is chargeable to the tract:



77.5 Reservation between claims. For the purpose of the regulations in this Part, any claim which is so located as to approach within 80 rods of the actual shore line shall be considered as if it were actually on the shore line. Between all such claims or the constructive extension thereof, the reserved strip shall extend for a distance of 80 rods from the shore as well as 80 rods along the shore line. However, the land included within that constructive extension to the shore line shall not be included within the shore space reservation created by such claim, but shall be open and subject to appropriation under and in accordance with appropriate law.

77.6 Surveys involving shore-space. The procedure which should be followed in connection with a petition for the survey of a homestead settlement claim, where a shore-space limitation is involved, is set forth in Section 65.20. Surveys of other kinds of claims for lands subject to a shore-space limitation will not be made by the Bureau of Land Management unless and until the limitation on the land is removed.

2. SHORE-SPACE RESTORATION

77.7 Statutory authority. The act of June 5, 1920 (41 Stat. 1059; 48 U.S.C. 372), provides that the Secretary of the Interior, in his discretion, may upon application to enter or otherwise, restore to entry and disposition the reserved shore spaces, or waive the restriction that no entry shall be allowed extending more than 160 rods along the shore of any navigable waters as to such lands as he shall determine are not necessary for harborage, landing and wharf purposes.

The act of June 5, 1920, does not authorize the waiver of the 80-rod restriction in the case of trade and manufacturing sites, homesites and headquarter sites, or in any way affect the reservation for roadway purposes along navigable waters, created by Section 10 of the act of May 14, 1898 (30 Stat. 413; 48 U.S.C. 462).

77.8 Form of petition for restoration; preference right. Any person who desires to secure such waiver or restoration should file a petition therefor, in duplicate, in the proper district land office. No special form of petition is required, but it should be in typewritten form or legible

manscript, and must be signed by the applicant and corroborated by the statements of two persons having knowledge of the facts.1/

No preference right to enter the land will be secured by the applicant by reason of the filing of such a petition unless it is based on an equitable claim which is subject to allowance and confirmation. Restoration of the land to disposal under the homestead laws, under the small tract act of June 1, 1938 (52 Stat. 609) as amended by the act of July 14, 1945 (59 Stat. 467, 43 U.S.C. 682a), and under the act of May 26, 1934 (48 Stat. 809, 48 U.S.C. 461) for homesite or headquarters site purposes, will be subject to the provisions of Section 4 of the act of September 27, 1944 (58 Stat. 748), as amended by the act of May 31, 1947 (61 Stat. 123; 43 U.S.C. 282) and the act of June 3, 1948 (Public Law 596, 80th Cong., 2d sess.), granting preference to veterans of World War II.

77.9 Description of land in petition. If the land is surveyed, it should be described by legal subdivisions of the public land surveys. If unsurveyed, it should be described by approximate latitude and longitude and otherwise with as much certainty as possible without actual survey. The description should be tied to known monuments, towns, and natural objects whenever practicable.

77.10 Showing required in petition. The petition must contain a full statement as to all pending claims on each side of the tract bordering along the water in question and as to the availability of the land sought for harborage, landing and wharf purposes, and, if the land abuts a stream or lake, all facts must be stated as to the width, depth and navigability of the water and the use which is ordinarily made thereof, as well as whether or not such stream or lake is a runway or spawning ground for seagoing fish.

Where it is asserted that equities have accrued, and a preference right of entry based thereon is claimed, the petition should set forth the facts upon which the alleged claim is founded. If settlement is claimed and the land is unsurveyed, the petition should be accompanied by a certified copy of the location notice which was filed in the local recording office.

77.11 Application to make entry in conflict with shore-space reserve. The Manager will reject any application to enter which conflicts with a shore space reservation or restriction, unless it is accompanied by a petition for restoration or request for waiver of the restriction, based on an equitable claim warranting consideration. The Manager, in every case, will notify the applicant that consideration will be given to the restoration of the land from the shore-space reserve or to the waiver of the restriction.

1/ Title 18 U.S.C. 80, makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matters within its jurisdiction.

REGULATIONS SUPERSEDED

Sections 77.1 to 77.11, inclusive, supersede sections 77.1 to 77.17, inclusive, of Title 43 of the Code of Federal Regulations (Circ. No. 491, February 24, 1928).

(Sgd) Marion Clawson,

Director.

Approved: June 25, 1948

(Sgd) J. A. Krug,

Secretary of the Interior.

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41538

Office Copy

Circular No. 1685

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

DISTRICT LAND
JUL 23 1948
OFFICE
BILLINGS, MONTANA

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 115--REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON.

The following text is added to Part 115:

SPECIAL LAND USE PERMITS

115.150 Applications, issuance of permits. Applications for special land use permits for the revested Oregon and California Railroad and the reconveyed Coos Bay Wagon Road grant lands, in Oregon, should be filed with the Regional Administrator, Region I, Portland, Oregon. The Regional Administrator may issue revocable land use permits for these lands, and act on assignments thereof, under the principles embodied in the regulations contained in 43 CFR 258.1 - 258.16. (50 Stat. 874; R.S. 453, 43 U.S.C. 2)

(Sgd) Marion Clawson,
Director.

Approved: June 30, 1948

(Sgd) C. Girard Davidson,
Assistant Secretary of the Interior.

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Circular No. 1686 Obsolete Replaced by 1840

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 192--OIL AND GAS LEASES

Section 192.4(b) is amended to read as follows:

(b) No such option shall be taken for more than two years without the prior approval of the Secretary of the Interior, except that an option hereafter taken on a lease application may be for the period of time until issuance of the lease and two years thereafter. Where it is sought to obtain options for periods in excess of those provided in the preceding sentence, an application should be filed with the Director, Bureau of Land Management, accompanied by a complete showing as to the special or unusual circumstances which are believed to justify approval of the application by the Secretary.

(41 Stat. 450, 30 U.S.C. 189, 60 Stat. 954, 30 U.S.C. 184).

(Sgd) Marion Clawson

Director

Approved: June 25, 1948

(Sgd) Oscar L. Chapman

Acting Secretary of the Interior

Distribution
L-1

41986

Circular No. 1687

Office Copy, not to be taken from Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Helen Hunt 5/27/54

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANGEMENT

See Circ. 1761

PART 108--PATENTS

Section 108.1, as amended (Cum. Supp.) is further amended to read as follows:

Section 108.1 Issuance of patents; transmittal to district land office. Patents for all grants of land shall be issued under the authority of the Director and signed in the name of the United States (Act of June 17, 1948, Public Law 667, 80th Cong., 2d Sess.). The patents shall be recorded in the Bureau of Land Management in books kept for that purpose.

Patents for lands entered or located under general laws can be issued only in the name of the party making the entry or location, or, in case of his death before making proof, to the statutory successor making the proof, provided by law.

The recitals and description of land in patents will in all cases follow the manager's certificate of entry or location, as prescribed by law.

When patents are ready for delivery, they will in all cases be transmitted to the district office at which the location or entry was made, where they can be obtained by the party entitled thereto, as provided in section 108.2. Patents based on final certificates or orders, issued by the Bureau of Land Management, will be delivered directly to the patentee or his or her recognized agent or successor in interest. Their receipt must be acknowledged.

See Circ. 1761

(R.S. 453, 2478; 43 U.S.C. 2, 1201)

Section 108.5, is amended by deleting therefrom the last two paragraphs.

(R.S. 453, 2478; 43 U.S.C. 2, 1201)

(Sgd) Roscoe E. Bell

Assistant Director.

Approved: July 8, 1948

(Sgd) J. A. Krug

Secretary of the Interior.

Distribution
L-1

41973

Circular No. 1688

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

REGULATIONS FOR THE SALE OF UNSOLD LOTS IN THE TOWN SITE OF EAST MOUNTAIN CITY, NEVADA

1. Statutory Authority. The unsold lots in the town site of East Mountain City, Nevada, will be offered for sale at not less than their minimum prices to the highest bidders, under authority of Section 2382 of the Revised Statutes (43 U.S.C. sec. 712).

2. Lots, Areas, and Minimum Prices. The lots which will be offered for sale and the areas and minimum prices thereof, are shown in the attached schedule.

3. Public Sale. The lots will be offered for sale by the Regional Administrator or his representative at public outcry to the highest bidder at East Mountain City, Nevada, on August 24, 1948, beginning at 10:00 a. m. The sale will be continued from day to day as long as may be necessary until all the lots have been offered.

4. Terms. No lot shall be sold for less than the minimum price. Any lot sold for $25 or less must be paid for on the day it is sold. If the lot is s old for more than $25 the purchaser may make full payment on the date of the sale, or may make payment on the following terms: If the sale price is more than $25 but less than $50, $25 must be paid on the date of the sale and the remainder within one year from the date of the sale, with interest at four per cent per annum; if the sale price is $50 or more, one-half of the price must be paid on the date of the sale and the remainder may be divided into two equal payments, due, respectively, one year and two years from the date of the sale, with interest at four per cent per annum.

5. Citizenship Requirements. Every individual purchasing a lot will be required to furnish evidence that he is a citizen of the United States or that he has declared his intention to become such a citizen, and every corporation purchasing a lot will be required to furnish evidence, including a certified copy of its articles of incorporation, showing that it was organized under the laws of the United States or of some State, Territory, or possession thereof, and that it is authorized to acquire and hold real estate in the State of Nevada.

6. Manner of Sale. Bids and payments may be made in person or by agent, but may not be made by mail nor at any time or place other than that fixed by these regulations. Any person may purchase any number of lots for which he is the successful bidder.

7. Authority of Officer Conducting the Sale. The officer conducting the sale is hereby authorized to reject any and all bids for any lot,

and to suspend, adjourn or postpone the sale of any lot or lots. After all the lots have been offered, the sale will be adjourned or closed, as the officer in charge may deem proper.

8. Forfeiture for Nonpayment. If any person who has made partial payment on a lot fails to make any succeeding payment required under these regulations, at the date such payment becomes due, the money theretofore paid and his right to the lot will be forfeited.

9. Disposal of Lots after Sale has been Closed. Lots remaining unsold at the close of the sale will be subject to private entry for cash at their minimum prices, and lots the rights to which have been declared forfeited for nonpayment of any installment of the purchase price will be subject to private entry for cash at such purchase price.

10. Reservations. Patents for the lots, when issued, will contain a reservation of fissionable materials and conditions and limitations as provided by the act of August 1, 1946 (60 Stat. 755). Patents will also be subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts; and a reservation of rights-of-way for ditches or canals in accordance with the act of August 30, 1890 (26 Stat. 391).

11. Warning. All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under section 59 of the Criminal Code of the United States (18 U.S.C. sec. 113).

(SGD) ROSCOE E. BELL

Assistant Director.

Approved: JUL 12 1948

(SGD) MASTIN G. WHITE

Acting Secretary of the Interior.

SCHEDULE SHOWING LOT AND BLOCK NUMBERS, AREAS AND APPRAISED VALUES OF LOTS IN EAST MOUNTAIN CITY, NEVADA, WHICH WILL BE OFFERED FOR SALE AT PUBLIC OUTCRY UNDER CIRCULAR NO. 1688

Block	Lot	Area in Sq. Ft.	Minimum Price
1	1	4198	$10.00
	2	4198	10.00
	3	4198	10.00
	4	4051	10.00
	5	1403	10.00
	6	4717	14.00
	7	4998	14.00
2	2	5998	18.00
	3	5998	18.00
	4	5768	18.00
	5	2335	10,00
	6	5379	18.00
	7	5998	18.00
	8	5998	18.00
	10	5998	18.00
	11	5998	18.00
3	1	2348	10.00
	2	5594	18.00
	3	5998	18.00
	4	5998	18.00
	5	5998	18.00
	7	2180	10.00
	8	6012	18.00
	9	5998	18.00
	10	5998	18.00
	11	5437	18.00
4	1	10,471	35.00
	2	17,782	66.00
	3	6367	25.00
	4	3252	10.00

Block	Lot	Area in Sq. Ft.	Minimum Price
5	1	4829	14.00
	2	4200	10.00
	3	4200	10.00
	4	4200	10.00
	5	4200	10.00
	6	4200	10.00
	7	4200	10.00
	8	4200	10.00
	9	4200	10.00
	10	3018	10.00
	11	3018	10.00
	12	4200	10.00
	13	4200	10.00
	14	4200	10.00
	15	4200	10.00
	16	4200	10.00
	17	4200	10.00
	18	4200	10.00
	19	4200	10.00
	20	4200	10.00
7	1	4200	10.00
	2	4200	10.00
	3	4200	10.00
	4	4200	10.00
	5	4200	10.00
	6	4200	10.00
	7	4200	10.00
	8	4200	10.00
	9	4200	10.00
	10	4200	10.00
	11	4200	10.00
	12	4200	10.00
	13	4200	10.00
	14	4259	14.00
	15	4259	14.00
	16	4200	10.00
	17	4200	10.00
	18	4200	10.00
	19	4200	10.00
	20	4200	10.00
	21	4200	10.00
	22	4200	10.00
	23	4200	10.00
	24	4200	10.00
	25	4200	10.00
	26	4200	10.00
	27	4200	10.00
	28	4200	10.00

Block	Lot	Area in Sq. Ft.	Minimum Price
8	1	4200	$10.00
	2	4200	10.00
	3	4200	10.00
	4	4200	10.00
	5	4200	10.00
	6	4200	10.00
	7	4200	10.00
	8	4200	10.00
	9	4200	10.00
	10	4200	10.00
	11	4200	10.00
	12	4200	10.00
	13	4200	10.00
	14	4259	14.00
	15	4259	14.00
	16	4200	10.00
	17	4200	10.00
	18	4200	10.00
	19	4200	10.00
	20	4200	10.00
	21	4200	10.00
	22	4200	10.00
	23	4200	10.00
	24	4200	10.00
	25	4200	10.00
	26	4200	10.00
	27	4200	10.00
	28	4200	10.00
9	1	4711	14.00
	1-A	656	10.00
	2	747	10.00
	7	3862	10.00
	8	3937	10.00
	17	4200	10.00
	18	4050	10.00
	21	4200	10.00
	22	4200	10.00
	24	4200	10.00
	25	4200	10.00
	26	4200	10.00
	27	4200	10.00
	28	4200	10.00
	29	4200	10.00
	30	4200	10.00
	31	4288	14.00

Block	Lot	Area in Sq. Ft.	Minimum Price
10	1	4200	$10.00
	2	4200	10.00
	3	4200	10.00
	4	4200	10.00
	5	4200	10.00
	6	4200	10.00
	7	4200	10.00
	8	4200	10.00
	9	4200	10.00
	10	4200	10.00
	11	4200	10.00
	12	4200	10.00
11	1	4200	10.00
	2	4200	10.00
	3	4200	10.00
	4	4200	10.00
	5	4200	10.00
	6	4200	10.00
	7	4200	10.00
	8	4200	10.00
	9	4200	10.00
	10	4200	10.00
	11	4200	10.00
	12	4200	10.00
	13	4200	10.00
	14	4200	10.00
	15	4200	10.00
	16	4200	10.00
12	1	4200	10.00
	2	4200	10.00
	3	4200	10.00
	4	4200	10.00
	5	4200	10.00
	6	4200	10.00
	7	4200	10.00
	8	4200	10.00
	9	4200	10.00
	10	4200	10.00
	11	4200	10.00
	12	4200	10.00
	13	4200	10.00
	14	4200	10.00
	15	4200	10.00
	16	4200	10.00

Block	Lot	Area in Sq. Ft.	Minimum Price
13	1	4200	$10.00
	2	4200	10.00
	3	4200	10.00
	4	4200	10.00
	5	4200	10.00
	6	4200	10.00
	7	4200	10.00
	8	4200	10.00
	9	4200	10.00
	10	4200	10.00
	11	4200	10.00
	12	4200	10.00
	13	4200	10.00
	14	4200	10.00
	15	4200	10.00
	16	4200	10.00
14	1	4200	10.00
	2	4200	10.00
	3	4200	10.00
	4	4200	10.00
	5	4200	10.00
	6	4200	10.00
	7	4200	10.00
	8	4200	10.00
	9	4200	10.00
	10	4200	10.00
	11	4200	10.00
	12	4200	10.00
	13	4200	10.00
	14	4200	10.00
	15	4200	10.00
	16	4200	10.00
15	1	4200	10.00
	2	4200	10.00
	3	4200	10.00
	4	4200	10.00
	5	4200	10.00
	6	4200	10.00
	7	4200	10.00
	8	4200	10.00
	9	4200	10.00
	10	4200	10.00
	11	4200	10.00
	12	4200	10.00

Block	Lot	Area in Sq. Ft.	Minimum Price
16	1	4166	10.00
	2	4142	10.00
	3	4112	10.00
	4	4077	10.00
	5	4036	10.00
	6	4100	10.00
	7	4164	10.00
	8	2630	10.00
17	1	4179	10.00
	2	4115	10.00
	3	4127	10.00
	4	4133	10.00
	5	4133	10.00
	6	4138	10.00
	7	1876	10.00
18	2	3972	10.00
	3	4170	10.00
19	2	4219	14.00
	3	2950	10.00
	4	3060	10.00
	5	3171	10.00
	6	4085	10.00

43103

42683

Circular No. 1689

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 101--GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES

The following section is added:

OATHS

Section 101.21 Elimination of the requirements of oaths on written statements in public land matters. By the act of June 3, 1948 (Public Law 589, 80th Cong., 2d Sess.), written statements in public land matters under the jurisdiction of the Department of the Interior need not be made under oath unless the Secretary in his discretion shall so require. Accordingly, all written statements in public land matters within the jurisdiction of the Department of the Interior heretofore required by law, or Chapter I of this title, to be made under oath, need no longer be made under oath except as provided in Part 221-Rules of Practice, Part 222--Government contests and Part 223--Witnesses, and with the further exception that final proofs required by R.S. 2294 (43 U.S.C. sec. 254) as amended and supplemented, and the regulations thereunder, to be taken in affidavit form before designated officers shall continue to be taken in that form before such officers. (See 43 CFR 52.1; 65.23, 166.48, 232.30, 285.22 and 210.1).

Unsworn statements in public land matters are subject to section 35(A) of the Criminal Code (35 Stat. 1095, 18 U.S.C. sec. 80), as amended.

(R.S. 453, 2478, 43 U.S.C. secs. 2, 1201).

(Sgd) MARION CLAWSON

Director

Approved: July 28, 1948

(Sgd) C. GIRARD DAVIDSON

Assistant Secretary of the Interior

Distribution
L-1

Replaced by # 1749

Obsolete as of 1749

Circular No. 1690

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 221--RULES OF PRACTICE

Section 221.89(a), Circular No. 1669, January 26, 1948, is amended to read as follows:

Section 221.89(a) Attorneys and agents not disqualified to act as notaries in public land cases in which they may be interested. In view of Section 3 of the act of June 3, 1948 (Public Law 589, 80th Cong., 2d Sess.), attorneys and agents in public land cases who are also notaries public, are no longer disqualified under Section 1-501 D. C. Code (1940 Ed.) from taking acknowledgments, administering oaths, certifying papers or performing any official acts as notaries in such matters.

(R.S. 453, 2478, 43 U.S.C. secs. 2, 1201).

(Sgd) MARION CLAWSON

Director

Approved: July 28, 1948

(Sgd) C. GIRARD DAVIDSON

Assistant Secretary of the Interior

Distribution
I-1

42676

Circular No. 1691 - Obsolete - See Circ. 1764

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

PART 257--LEASE OR SALE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR HOME, CABIN, CAMP, HEALTH, CONVALESCENT, RECREATIONAL, OR BUSINESS SITES

AUTHORITY: The regulations herein amended issued under 52 Stat. 609; 43 U.S.C. 682a.

Part 257 containing the regulations governing leases or sales under the act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended, contained in Circular 1647, May 27, 1947 as amended by Circular 1665, November 19, 1947, is further amended to read as follows:

Sections 257.4, 257.8, 257.9, 257.10, 257.12, 257.18, 257.19, and 257.20 are amended by substituting the words "Regional Administrator" for the word "Director" wherever it appears.

Section 257.14 is amended by substituting the word "manager" for the word "Director."

(Sgd) MARION CLAWSON

Director.

Approved: August 6, 1948

(Sgd) C. GIRARD DAVIDSON

Assistant Secretary.

Distribution
L-1

43792

Circular No. 1693

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Obsolete - See Circ. 1860 " " 1895

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR

CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 250--PUBLIC SALES

AUTHORITY: Issued under R.S. 453, 2478; 43 U.S.C. 2, 1201

Section 250.2 is amended to change the designation of paragraphs "(c)" and "(d)" to read "(d)" and "(e)", respectively, and a new paragraph ("c)" inserted to read:

(c) "Regional Administrator" means the regional administrator for the region in which the land is situated. Where there is no district land office in the State in which the land is situated, however, it means the "Director."

Sections 250.4, 250.5, and 250.11(b)3 are amended to substitute the words "Regional Administrator" for the word "Director" whenever it appears.

(Sgd) MARION CLAWSON

Director.

Approved: August 27, 1948

(Sgd) C. GIRARD DAVIDSON

Assistant Secretary of the Interior.

Distribution
L-1

44120

Circular No. 1690

Office copy

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

Replaced by No 1867

CODE OF FEDERAL REGULATIONS
TITLE 43 - PUBLIC LANDS: INTERIOR
CHAPTER I - BUREAU OF LAND MANAGEMENT
PART 251 - AIRPORTS AND AVIATION FIELDS

USE FOR AIRPORT PURPOSES BY PUBLIC AGENCIES UNDER FEDERAL AIRPORT ACT OF MAY 13, 1946 OF LANDS UNDER THE JURISDICTION OF THE DEPARTMENT OF THE INTERIOR

Sec.

251.18 Statutory authority

251.19 Definitions

251.20 Request by Administrator for transfer of property interest

251.21 Action on request

251.22 Publication and posting required where fee title to public lands is to be transferred

251.23 Special provisions in instrument of transfer

AUTHORITY: secs. 251.18 to 251.23, inclusive, issued under the authority contained R.S. 453, 2478, 43 U.S.C. sec. 2, 1201; 5 U.S.C. 485.

Section 251.18 Statutory authority. Section 16 of the Federal Airport Act of May 13, 1946[1/] (60 Stat. 179, 49 U.S.C. sec. 1101) provides that whenever the Administrator of Civil Aeronautics determines that the use of any lands owned or controlled by the United States is reasonably necessary for carrying out a project under the Act, or for the operation of any public airport, he shall file with the head of the Department or agency having control of such lands a request that such property interest therein as he may deem necessary be conveyed to the public agency sponsoring the project in question or owning or controlling the airport.

Upon receipt of the request from the Administrator of Civil Aeronautics, the head of the Department or agency having control of the lands in question is directed to determine whether the requested conveyance is inconsistent with the needs of the Department or agency and to notify the Administrator of his determination within a period of four months after receipt of the Administrator's request. Upon the determination of the head of the Department or agency that it is not so inconsistent, he is authorized and directed, with the approval of the President and the Attorney General of the United States, and without any expense to the United States, to perform any acts and to execute any instruments necessary to make the conveyance requested.

1/ The regulations of the Civil Aeronautics Administration under this act are found in 14 CFR, Part 555.

(e) "The Act" means the Federal Airport Act of May 13, 1946 (60 Stat 179, 49 U.S.C. sec. 1101).

(a) "Secretary" means the Secretary of the Interior or his duly authorized representative.

(c) "Director" means the Director of the Bureau of Land Management or his duly authorized representative.

(d) "Administrator" means the Administrator of Civil Aeronautics or his duly authorized representative.

(e) "Applicant" means any public agency as defined in 14 CFR 525.5, which, either individually or jointly with one or more other such public agencies, submits to the Administrator, an application requesting that public lands or interests therein, be transferred to such applicant under the Federal Airport Act.

(f) "Property interest" means the title to or any other interest in land or any easement through or other interest in air space.

(g) "Instrument of transfer" includes a patent, deed, lease or other instrument transferring a property interest.

251.20 Request by Administrator for transfer of property interest. Each request by the Administrator in behalf of the applicant for the transfer of a property interest in public lands or other Federally owned lands under the jurisdiction of the Department of the Interior should be addressed to the Director, should be in duplicate, and should contain the following:

(a) A copy of the application filed by the requesting public agency with the Administrator.

(b) A description of the land, if surveyed, by legal subdivisions, specifying section, township, and range. Unsurveyed land should be described by metes and bounds with a tie to a corner of the public-land surveys if within two miles; otherwise a tie should be made to some prominent topographic feature and the approximate latitude and longitude should be given when practicable.

251.21 Action on the request. The Secretary will determine whether the requested transfer is inconsistent with the needs of the Department or any agency thereof, and if it is not, the covenants, terms and conditions, if any, under which such transfer should be made. Any such conveyance will be made subject to valid existing rights of record, and to those disclosed as a result of posting, publication, or otherwise.

Ordinarily where the lands involved are situated within a national park or monument or within an Indian reservation the transfer will not be authorized.

251.22 Publication and posting required where fee title to public lands is to be transferred. Before a transfer of fee title to public lands is made, the Bureau of Land Management will require the applicant to publish, at its own expense, in a newspaper of general circulation in the county in which the land is situated, a notice stating that a request has been made by the Administrator on behalf of the applicant (giving its name and address) to acquire title to public lands (describing them) under the act, for the purpose of carrying out a project under the act, or for the operation of a public airport, as the case may be, and that the purpose of the notice is to give persons claiming an interest in the land or having bona fide objections to the proposed transfer an opportunity to file with the Director, Washington 25, D. C., within 30 days after the date of the first publication, a protest, together with evidence that the protest has been served on the applicant. If the notice is published in a daily paper, the notice should be published for four consecutive weeks in the Wednesday issue, if a weekly, in four consecutive issues, and if a semi-weekly or tri-weekly, in any of the issues on the same day each week for four consecutive weeks. The notice will also be posted during the entire period of publication in the district land office, Bureau of Land Management, for the district in which the lands are situated, or if there is no district land office, in the office of the Director, Washington, D. C. No transfer will be made until proof of publication and posting of the notice has been filed with the Director.

251.23 Special provisions in the instrument of transfer. Each instrument of transfer made hereunder of fee title or a lesser estate in the lands shall contain:

(a) The covenants, terms and conditions requested by the Administrator, as well as those required for the protection of the Department of the Interior or any agency thereof.

(b) A reservation to the United States of fissionable source materials pursuant to the Act of August 1, 1946 (60 Stat. 755, 42 U.S.C. sec. 1801) where public lands are involved, and pursuant to Executive Order 9908 of December 5, 1947 (12 F.R. 8223-4) where non-public lands are involved.

(Sgd) Marion Clawson
Director

Approved: August 30, 1948

(Sgd) C. Girard Davidson
Assistant Secretary of the Interior

44401

Circular No. 1696

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
Washington

Absolute
Cir. Circ. 1781

CODE OF FEDERAL REGULATIONS
TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—BUREAU OF LAND MANAGEMENT

PART 191 - GENERAL REGULATIONS
APPLICABLE TO MINERAL PERMITS,
LEASES AND LICENSES
(PARTS 192 TO 200, INCLUSIVE)

Authority: Sections 191.9, 191.11, 191.12, 191.25 and 191.26 issued under 41 Stat. 450, 30 U.S.C. 189, act of June 3, 1948 (Public Law 576, 80th Congress).

Section 191.9 is amended to read as follows:

Survey of lands for leasing. Unsurveyed lands containing oil shale, and unsurveyed lands embraced in applications for lease based upon discovery of valuable deposits of potassium, sodium or sulphur under a prospecting permit, must be surveyed by the Government at the expense of the applicant prior to the issuance of a lease of the lands. To secure such a survey, the applicant must obtain from the appropriate regional cadastral engineer an estimate of the cost of the survey and deposit with him the estimated amount. After the survey has been accepted and the plat filed in the district land office the application will be adjusted to the resulting subdivisions and the cost of the survey will be ascertained by prorating the total cost of surveying the township to the area to be leased. The amount thus ascertained will be credited to the appropriation for surveying the public lands and the balance of the deposit, if any, returned to the depositor or his authorized representative. The survey of unsurveyed lands for any coal lease, or for a competitive lease for phosphate, potassium, sodium, oil, or gas, or sulphur will be made at the expense of the Government prior to the issuance of a lease of the lands.

Section 191.11 is amended by adding the word "noncompetitive" before the word "leases".

Section 191.12 is amended by deleting from the second sentence the word "leases" and by substituting in lieu of the words "an affidavit" in the same sentence the words "a statement".1/

Section 191.25 is amended to read as follows:

Waiver, Suspension, or reduction of rental or minimum royalty or reduction of royalty on Mineral leases. In order to encourage the greatest

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1/18 U.S.C. section 80 makes it a crime for any person knowingly or wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

ultimate recovery of coal, phosphate, potassium, sodium, oil shale, oil, or gas and sulphur, and in the interest of conservation, the Secretary of the Interior whenever he determines it necessary to promote development or finds that the leases cannot be successfully operated under the terms provided therein may waive, suspend, or reduce the rental or minimum royalty or reduce the royalty on an entire leasehold, or on any deposit, tract, or portion thereof segregated for royalty purposes.

An application for any of the above benefits shall be filed in triplicate in the office of the oil and gas supervisor for oil and gas leases or the office of the mining supervisor for coal, phosphate, potassium, sodium, oil shale and sulphur leases. It must contain the serial number of the leases, the land district, the name of the record title holder and operator or sublessee and the description of the lands by legal subdivision.

Each application involving oil or gas shall show the number, location, and status of each well that has been drilled, a tabulated statement for each month covering a period of not less than six months prior to the date of filing the application of the aggregate amount of oil or gas subject to royalty computed in accordance with the oil and gas operating regulations, the number of wells counted as producing each month, and the average production per well per day.

Each application involving coal, phosphate, potassium, sodium, oil shale and sulphur shall show the number and location of each mine, a map showing the extent of the mining operations, a tabulated statement of the minerals mined and subject to royalty for each month covering a period of not less than 12 months next prior to the date of filing of the application, and the average production per day mined for each month and complete information as to why the minimum production was not attained.

Every application must contain a detailed statement of expenses and costs of operating the entire lease, the income from the sale of any leased products, and all facts tending to show whether the wells or mines can be successfully operated upon the royalty or rental fixed in the lease. Where the application is for a reduction in royalty full information shall be furnished as to whether royalties or payments out of production are paid to others than the United States, the amounts so paid and efforts made to reduce them. The applicant must also file agreements of the holders of the lease and of the royalty holders to a permanent reduction of all other royalties from the leasehold to an aggregate not in excess of one-half the Government royalties.

The last paragraph of section 191.26 is amended to read as follows:

The minimum annual production requirements of a lease issued under the act for coal, phosphate, potassium, sodium, oil shale or sulphur shall be proportionately reduced for that portion of a lease year for which suspension of operations and production is directed or granted by the Secretary of the Interior in the interest of conservation.

(Sgd) Marion Clawson
Director.

Approved: September 17, 1948

(Sgd) C. Girard Davidson
Acting Secretary of the Interior.

Distribution L-1

Circular No. 1697

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington

Stalin effect 5/6/54

CODE OF FEDERAL REGULATIONS
TITLE 43-PUBLIC LANDS: INTERIOR

See Circ. 1563, 1745, 1754, 1774 + 1820, too

CHAPTER I--BUREAU OF LAND MANAGEMENT
SUBCHAPTER A--ALASKA

PART 75--SALES AND LEASES

SALE OR LEASE OF CERTAIN LANDS IN THE MATANUSKA VALLEY OF ALASKA

AUTHORITY: The regulations herein amended issued under 54 Stat. 1191; 48 U.S.C. 353 note.

The regulations governing sales and leases of lands in the Matanuska Valley, Alaska, authorized by 43 CFR 75.1-75.14 (Circ. No. 1563, August 23, 1943), are amended as follows:

In sections 75.2 and 75.6 the words "Regional Administrator" are submitted for "General Land Office", wherever the latter words occur.

In section 75.5 the words "Regional Administrator" are submitted for "Secretary of the Interior."

Amend section 75.9, 75.10, 75.11, 75.12, and 75.14 to read as follows:

75.9 Action by the District Land Office. The Manager will assign a current serial number to each case and make appropriate notations on the records of his office. In the absence of any objection as shown by his records, he will, if the application is for a patent, and is accompanied by the purchase price, issue a cash certificate on Form 4-189, to the person named in the application, as a basis for the issuance of patent. If the application is for a lease and the Regional Administrator has authorized the issuance of a lease, the Manager, upon the receipt of the first annual rental payment, will cause a lease to be issued.

75.10 Action by the Bureau of Land Management. Upon receipt by the Bureau of Land Management of an application to

purchase, together with the cash certificate, the Director, if all be found regular, will cause a patent to be issued to the applicant.

75.11 Causes for cancellation. A lease shall be subject to cancellation by the Manager for failure of the lessee to comply with any of the terms, covenants, and stipulations of the lease, or of any of the regulations contained in sections 75.1 to 75.14, inclusive.

75.12 Payment of annual rental on lease. The annual rental on a lease must be paid to the Manager, District Land Office, Anchorage, Alaska, on or before each anniversary date of the lease.

75.14 Appeals. Any party aggrieved by any action of the Manager may appeal to the Director and the Secretary of the Interior, pursuant to the Rules of Practice (43 CFR, Part 221).

(Sgd) Marion Clawson

Director.

Approved: September 24, 1948.

(Sgd) C. Girard Davidson

Acting Secretary of the Interior.

Distribution L-1

45751

Still in effect 4/28/54 BB

Replaced 1976

Circular No. 1698

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

PART 288--GENERAL TRESPASS REGULATIONS

The last sentence of Section 288.7, relating to the mining of coal by a permittee, is amended to read as follows: "However, where a permittee applies, prior to the expiration of his permit, for a lease, the mining of coal by him from the date of the filing of the lease application to the date of the issuance of the lease, or, if the lease application is rejected, to the date of notice to him of the final rejection of his application does not constitute a trespass."

(R.S. 453, 2478; 43 U.S.C. 2, 1201)

(Sgd) MARION CLAWSON

Director

Approved: September 30, 1948

(Sgd) C. GIRARD DAVIDSON

Acting Secretary of the Interior

Distribution
L-1

45752

Circular No. 1699

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON

Still in effect 5/28/54 BB

CODE OF FEDERAL REGULATIONS
TITLE 43--PUBLIC LANDS: INTERIOR
CHAPTER I--BUREAU OF LAND MANAGEMENT

SUBCHAPTER A--ALASKA

PART 64--HOMESITES OR HEADQUARTERS

PURCHASE OF TRACTS NOT EXCEEDING 5 ACRES, ON SHOWING AS TO EMPLOYMENT OR BUSINESS

The second paragraph of section 64.4 and the section headnote of that section are amended and a footnote is added to the section as follows:

64.4 Form and contents of application.[1/] * * *

An application need not be under oath but must be signed by the applicant and corroborated by the statements of two persons and must show the following facts:

PURCHASE OF TRACTS NOT EXCEEDING 5 ACRES WITHOUT SHOWING AS TO EMPLOYMENT OR BUSINESS

The second sentence of the first paragraph of section 64.7 is amended and made the second paragraph of the section, and a footnote is added to the section as follows:

64.7 Form and contents of application.[1/] * * *

An application need not be under oath but must be signed by the applicant and corroborated by the statements of two persons and must show the following facts:

A new section is added, as follows:

64.7a Applications by veterans of World War II. Upon the restoration or opening of surveyed public lands in Alaska with a preference right of application to veterans of World War II pursuant to section 4 of the act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282), as amended,

1/ Section 335(A) of the Criminal Code (18 U.S.C. 80) makes it a crime for any person knowingly and wilfully to submit or cause to be submitted to any agency of the United States any false or fraudulent statement as to any matter within its jurisdiction.

such veterans may file applications for home or headquarter sites on such lands under the act of May 26, 1934 (48 Stat. 809, 48 U.S.C. 461). Preference right applications filed by such veterans must describe the land desired in terms of the public land surveys and must give all of the information required by section 64.7, except as to the erection of a habitable house on the land and compliance with the law in the matter of residence. No payment will be required until proof of compliance with the residence requirements has been made. Such an applicant will be required to establish residence upon the land in a habitable house within six months from the date of the notice of the allowance of his application. An extension of time to establish residence may be granted under the conditions under which it may be granted to a homestead entryman. During the first year after establishing residence the claimant will be required to reside upon the land for a period of at least 5 months. He may claim credit on the period of residence required by the act of May 26, 1934, for military or naval service in like manner as is provided in the case of homestead entries.

(Sgd) MARION CLAWSON

Director.

Approved: October 4, 1948

(Sgd) C. GIRARD DAVIDSON

Assistant Secretary of the Interior

Distribution
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